

Strategic Planning Board

Agenda

Date: Friday, 12th March, 2021
Time: 10.00 am
Venue: Virtual

How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

[Click here to watch the live meeting](#)

or dial in via telephone on 141 020 33215200 and enter Conference ID: 949 174 344# when prompted.

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are live recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Virtual Meeting** (Pages 3 - 12)

To approve the minutes of the previous virtual meeting held on 24 February 2021 as a correct record.

4. **Public Speaking-Virtual Meetings**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **WITHDRAWN BY OFFICERS FROM THE AGENDA-19/3097M-Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M at Land Between Chelford Road And Whirley Road, Henbury for Mr Matthew Shipman, Bellway Homes Limited (Manchester Division)** (Pages 13 - 36)

To consider the above application.

6. **WITHDRAWN BY OFFICERS FROM THE AGENDA-19/3098M-Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works at Land between Chelford Road Henbury and Whirley Road Macclesfield for Mr Matthew Shipman, Bellway Homes Limited (Manchester Division)** (Pages 37 - 58)

To consider the above application.

7. **19/5596C-Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure, Land Off, Viking Way, Congleton for Richborough Estates LLP** (Pages 59 - 94)

To consider the above application.

Membership: Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Strategic Planning Board**
held on Wednesday, 24th February, 2021

PRESENT

Councillor M Hunter (Chairman)
Councillor S Gardiner (Vice-Chairman)

Councillors A Critchley, S Edgar, P Groves, S Hogben, D Jefferay, R Moreton, B Puddicombe (Substitute), P Redstone, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Mr O Beddow (Civil Engineering Apprentice), Mrs N Folan (Planning Solicitor), Mr N Hlland (Principal Planning Officer), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Head of Planning), Mrs P Radia (Senior Planning Officer), Mr P Reeves (Flood Risk Manager) and Miss E Williams (Principal Planning Officer)

78 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor A Farrall.

79 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 20/3382N, Councillor P Williams declared that he was the Ward Councillor and that when Alsager Town Council had considered the application he left the meeting. He had not engaged in any discussions with the Town Council on the application.

In the interest of openness in respect of application 19/4578W, Councillor S Gardiner declared that he was a former employee of Emery, the planning agent involved the application. He had not discussed the application with former or current employees of Emery.

In the interest of openness in respect of application 18/2492N, Councillor S Gardiner declared that he worked closely with Councillor J Clowes in his capacity as Deputy Leader of the Conservative Group in the Council, who was speaking on the application, however he had not discussed the application with her.

In the interest of openness in respect of application 19/4578W, Councillor S Gardiner declared that he had worked closely with Councillor A Kolker when they were both directors of Civicance who was speaking on the application, however he had not discussed the application with him.

In the interest of openness, Councillor M Hunter declared that he was a non-Executive Director of ANSA, however he had not expressed a view on any of the applications.

In the interest of openness in respect of applications 18/2492N and 20/4747M, Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee who had been a consultee on both of the applications, however had he had not discussed the applications or made any comments on them.

It was noted that all Members had received email correspondence in respect of application 19/4578W.

80 MINUTES OF THE PREVIOUS VIRTUAL MEETING

RESOLVED

That the minutes of the previous virtual meeting held on 27 January 2021 be approved as a correct record and signed by the Chairman.

81 PUBLIC SPEAKING-VIRTUAL MEETINGS

RESOLVED

That the public speaking procedure be noted.

82 18/2492N-APPROVAL OF MATTERS RESERVED IN OUTLINE PLANNING APPLICATION 12/3114N (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR RESIDENTIAL DEVELOPMENT COMPRISING 157 DWELLINGS (INCLUDING 47 AFFORDABLE HOMES), PUBLIC OPEN SPACE AND ASSOCIATED WORKS, LAND SOUTH OF, NEWCASTLE ROAD, SHAVINGTON FOR SEAN MCBRIDE, PERSIMMON HOMES (NORTH WEST) LTD AND MAC

Consideration was given to the above application.

(Councillor J Clowes, the Ward Councillor, Parish Councillor P Jackson, representing Wybunbury Parish Council and Adele Jacques, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the following conditions:-

1. In accordance with outline permission
2. In accordance with approved plans
3. Submission/approval of facing and roofing materials
4. Implementation of highway surfacing treatment

5. Implementation of landscaping scheme
6. Implementation of Landscape Management Plan (version 8)
7. Details of lighting – minimise impact on bats
8. Submission of strategy to *secure* features to enhance biodiversity
9. Adherence to submitted Arboricultural Impact Assessment
10. Submission of a detailed Construction Specification/ Method Statement to mitigate impact on trees
11. Details of layout and specification of allotments
12. Design detail, specification and implementation of MUGA, NEAP and play area/features
13. Details of cycle storage details
14. Details of bin storage
15. Details of specification, width and surfacing of PROW
16. Removal of permitted development rights (Part 1 Classes A-E)
17. Establishment of a Liaison Group
18. Additional Landscaping/planting / scheme around play areas / POS
19. Submission of a Construction Management Plan

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(Prior to consideration of the following application the virtual meeting was adjourned for a short break).

83 19/4578W-CHANGE OF USE TO MIXED USE FOR AGRICULTURE AND AS A WASTE TRANSFER STATION/SKIP HIRE SITE, INCLUDING THE ERECTION OF A SKIP STORAGE BUILDING, LANDSCAPING AND ASSOCIATED WORKS, BROOKBANK FARM, BRIDGE LANE, GOOSTREY FOR J BARBER

Consideration was given to the above report.

Parish Councillor Paul Morgan, representing Goostey Parish Council, Councillor Andrew Kolker, the Ward Councillor, Dr Ken Morris, an objector and Lynn Jones, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reason:-

It has not been demonstrated that the proposal is essential in order to expand or redevelop the business and cannot reasonably be located on a site within an existing settlement as per the requirements of CELPS policy EG1, EG2, CO1 and SD1; and as such it has not been demonstrated that the proposal falls within any of the exceptions set out in Policy PG 6 of the Cheshire East Local Plan Strategy and Policy PS8 of the Congleton

Borough Local Plan First Review, for development in the Open Countryside.

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

It was noted that the Board's request for the enforcement team to look at the appropriateness of enforcement action as a matter of urgency should be included within the minutes.

- 84 **20/3382N-PROPOSED DEVELOPMENT OF 6 NO. COMMERCIAL UNITS PROVIDING UP TO 74,610 SQ.M.GIA OF MIXED B1C, B2 AND B8 (UNFETTERED), OF WHICH 34,650 SQ.M (UNITS 1, 2 & 6) WILL BE SOUGHT UNDER DETAILED APPROVAL INCLUDING ASSOCIATED INFRASTRUCTURE, PARKING, ACCESS AND CIRCULATION AREAS, MAINTENANCE AND IMPROVEMENT OF EXISTING ACCESS INTO THE SITE SOUTH OF THE LEVEL CROSSING AND THE EXISTING VEHICULAR ACCESS NORTH OF THE LEVEL CROSSING, CYCLE AND PEDESTRIAN ACCESS TO THE WHOLE SITE,RELOCATION OF EXISTING CLOCK TOWER, NEW INTERNAL ROADS AND DRAINAGE INFRASTRUCTURE. UNITS 3, 4 & 5 (TOTAL PROPOSED FLOORSPACE OF 39,960SQM) SEEK OUTLINE APPROVAL FOR ACCESS AND SCALE, RESERVING APPEARANCE, LANDSCAPING AND LAYOUT FOR LATER APPROVAL, FORMER BAE SITE/RADWAY GREEN BUSINESS PARK, RADWAY GREEN ROAD, CREWE FOR TILSTONE INDUSTRIAL LIMITED AND CORBALLY GROUP (RADWAY) LTD**

Consideration was given to the above application.

(Town Councillor Michael Unett, representing Alsager Town Council and Andy Plant, representing the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Full time limit for Units 1, 2 and 6.
2. Outline time limit for Units 3, 4 and 5.
3. Reserved matters to include appearance, landscape and layout.
4. Approved plans.
5. The occupied buildings within the development shall be designed to ensure that structure and façade are designed to resist the peak accidental explosion hazard to the building without exceeding a

Minimal Hazard response condition. The explosion hazard varies across the development. For the nearest building, Unit 2, the peak hazard equates to a shock front with a peak overpressure of 11kPa with a 121ms duration.

6. Prior to commencement of the construction of any of the buildings, the design calculations, drawings and other submitted information for the primary building frames and façades shall be submitted to and approved in writing by the LPA, in consultation with the HSE. Development shall be carried out in accordance with the approved details.
7. Prior to first occupation of any of the units, the ghost right turn lane at the southern access to the site shall be provided and available for use.
8. Prior to first occupation the car park links to units 1 and 2 to the northern access road shall be provided and available for use.
9. Prior to first occupation of any of the units, the combined pedestrian/cycle route shall be provided and available for use.
10. External lighting in accordance with the submitted external lighting details.
11. Method statement for the control of non-native invasive plant species.
12. Protection of nesting birds.
13. Strategy for the inclusion of features to enhance biodiversity including nesting birds, roosting bats, gaps for Hedgehog movements, brash/deadwood piles and native species planting.
14. Any future reserved matters application for units 2,4 and 5 to be supported by a strategy for the inclusion of features to enhance biodiversity including nesting birds, roosting bats, gaps for Hedgehog movements, brash/deadwood piles and native species planting.
15. Compliance with the submitted tree protection measures.
16. Arboricultural Method Statement.
17. Any reserved matters application to be supported by an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Scheme.
18. Development in accordance with the Flood Risk Assessment.
19. Detailed drainage/design strategy to limit surface water run off.
20. Foul and surface water drained on separate systems.
21. Updated Remediation Strategy (contaminated land).
22. Verification Report (contaminated land).
23. Soil and soil forming materials for soft landscaping areas to be tested and verified.
24. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation

implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

25. Mitigation in the Noise Assessment to be implemented.
26. Prior to first occupation, submission of an electric vehicle infrastructure plan.
27. No development shall take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
28. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby approved shall be limited to Use Class E(g)(i) (Offices), E(g)(ii) (Research and Development) and E(g)(iii) (Industrial Processes).
29. Prior to first occupation of any of the units hereby approved, a scheme for the creation of a public art feature reflecting the history of the site shall be submitted to and approved in writing by the LPA in consultation with Alsager Town Council and the public art shall be provided prior to first occupation of any of the units.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(During consideration of the application, Councillor R Moreton left the virtual meeting and therefore did not take part in the debate or vote on the application. Prior to consideration of the following application the virtual meeting was adjourned for a short break).

- 85 **20/4747M-HYBRID APPLICATION COMPRISING OF; A) FULL APPLICATION FOR THE DEMOLITION OF KILBURN HOUSE, LOVELACE HOUSE AND BROOKER HOUSE TO CREATE "TOWN SQUARE" AND LANDSCAPED AREAS AND AN EXTENSION TO FURBER HOUSE TO CREATE ADDITIONAL FOOD & BEVERAGE / SUPPORT SPACE; FACADE UPGRADES TO TURING HOUSE, BABBAGE HOUSE AND FURBER HOUSE; RETROSPECTIVE APPLICATION FOR INSTALLATION OF GENERATORS, INSTALLATION OF ROOF MOUNTED AIR HANDING UNITS; CREATION OF A NEW SECURITY LODGE; REMOVAL OF A VISITOR CAR PARK; CREATION OF NEW PUBLIC REALM; INTERNAL HIGHWAYS IMPROVEMENTS; LANDSCAPING AND OTHER ASSOCIATED WORKS; AND B) OUTLINE PLANNING PERMISSION (INCLUDING MATTERS OF ACCESS, SCALE AND LAYOUT) FOR THE ERECTION OF NEW OFFICE FLOORSPEACE (USE CLASS B1A) INCLUDING EMPLOYEE WELLNESS FACILITIES AND ASSOCIATED**

WORKS, RADBROKE HALL, STOCKS LANE, OVER PEOVER, KNUTSFORD FOR BARCLAYS BANK PLC

Consideration was given to the above application.

(Parish Councillor Kathy Doyle, representing Peover Superior Parish Council, Cheflord Parish Council, Ollerton with Marthall Parish Council and Snelson Parish Council, Ron Coghill, representing the applicant and Harry Bolton, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the verbal update to the Board, the application be approved subject to the completion of a Section 106 agreement in consultation with the Chairman and Vice Chairman regarding the travel plan and securing the following:-

S106	Amount	Triggers
Highways – Off-site improvement works	£100,000	Prior to commencement
Highways – Monitoring of Staff Travel Plan and submission/approval of revised Travel Plan	£6,000	Prior to commencement

And subject to the following conditions:-

1. Time (Phase 1)
2. Time (Phase 2)
3. Submission of reserved matters to include scale (Phase 2)
4. Reserved Matters application made within 3 years (Phase 2)
5. Plans (For each phase, including phasing plan)
6. Prior Submission/approval of CEMP to include a) appropriate routes for construction (Highways) b) measures to prevent bird attraction (Manchester Airport) and c) measures to ensure that the construction works (including construction traffic) do not adversely impact upon the listed buildings (Heritage) (Each Phase)
7. No increase in Parking Spaces hereby approved
8. Submission/approval of facing, roofing and hard surfacing materials (Phase 1)
9. Submission of facing, roofing and hard surfacing materials with Reserved Matters (Phase 2)
10. Submission/approval of an updated soft landscaping scheme and planting plan to include; a) the habitat creation detailed in the submitted Biodiversity Net Gain Assessment, b) tree loss mitigation (Phase 1) and c) updated design of proposed 'kitchen garden' informed by understanding of Radbroke Hall Site
11. Landscape implementation (Phase 1)

12. Submission/approval of levels details (Phase 1)
13. Submission/approval of a finalised tree removals and retention plan (Phase 1)
14. Submission/approval of a tree protection plan (Phase 1)
15. Submission/approval of an arboricultural method statement (Phase 1)
16. Submission/approval of an engineer designed surface locations and specification (Phase 1)
17. Implementation of Great Crested Newt Method statement
18. Implementation of Bat Mitigation
19. Implementation of Bluebell mitigation statement
20. Submission/approval of external lighting details (Each Phase)
21. Existing ponds excluded from SUDS
22. Nesting birds (Each Phase)
23. Submission/approval of Ecological Enhancement Strategy
24. Submission/approval of a 30 year habitat management plan
25. Provision of electric vehicle charging infrastructure
26. Submission/approval of a Phase II contaminated land report
27. Submission/approval of a contaminated land verification report
28. Submission/approval of a soil verification report
29. Works should stop if contamination is identified
30. Submission/approval of an overall detailed strategy/design limiting surface water run-off and an associated management/maintenance plan
31. Development shall be carried out in accordance with the submitted FRA, Outline Drainage Strategy and SUDS strategy
32. Submission/approval of a surface water drainage scheme (Phase 1)
33. Surface water drainage scheme shall be submitted with Reserved Matters (Phase 2)
34. Foul and surface water - drained on separate systems
35. Submission/approval of a sustainable drainage management and maintenance plan (Phase 1)
36. Sustainable drainage management and maintenance plan shall be submitted with Reserved Matters (Phase 2)
37. Submission/approval of a Public Rights of Way Management Scheme
38. Line of the PROW be marked out
39. Submission/approval of pre-commencement and post-completion PROW condition surveys
40. Log to be retained on site which collates the daily levels of staff and vehicles on site to be updated monthly and to be made available on request
41. Establishment of a Liaison Committee with representatives from Barclays Bank, the local Parish Councils and Cheshire East Council

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

The meeting commenced at 10.00 am and concluded at 4.24 pm

Councillor M Hunter (Chairman)

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Application No: 19/3097M

Location: Land Between Chelford Road And Whirley Road, Henbury

Proposal: Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M

Applicant: Mr Matthew Shipman, Bellway Homes Limited (Manchester Divisi

Expiry Date: 27-Mar-2020

SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 134 dwellings. This application seeks approval of the detail in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and approved vehicular access from Chelford Road and pedestrian access from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt to the west and landscape transition as required by the site allocation. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) has been determined to be acceptable also.

It is acknowledged that the site is currently susceptible to surface water flooding. However, a comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This has been agreed with the Council's Flood Risk Manager and as such, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. In the interests of environmental sustainability, as much of the excavated material would be placed elsewhere within the site where level changes are proposed. It is considered that the impacts that the development would have in terms of disturbing peat could be minimised through the use of conditions securing a materials management plan. Discussions are currently ongoing with the applicant with regards to minimising peat removal off the site and this will be reported to members by way of an update.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

REASON FOR DEFERRAL:

At the meeting of 27th January 2021, Members resolved to defer this application “to review the design of the house-types (particularly the mock Tudor detailing) and housing mix and in order to secure further information regarding peat removal and its impacts on hydrogeology, landscaping and levels”.

Following deferral of the application, the scheme has been amended and supplementary information has been submitted including clarification on issues that were raised at the meeting. The amendments and supplementary information have been assessed in the report that follows and have been subject to further consultation. The response to the reasons for deferral are summarised as follows:

1. Design of House-types

Following deferral, the Character Assessment has been reviewed and updated in response to some Members concerns about the use of timber detailing on the facades of the proposed house-types. The house-types have been amended to reduce the use of timber detailing so that this feature is limited to key nodal spaces (i.e. mews and squares). Where timber detailing is to be used, this will be less formal with a truss formation and contrasting white render. These details and features are present within existing properties in the vicinity of the site and would not appear out of keeping with the general character or appearance of the area. Other changes include the addition of French grey leaded bar windows and the use of contrasting buff window heads and cills to act as a contract between ‘the avenue character area’ and ‘the streets character area’ where these features would be red stone. The design of the scheme is found to be acceptable and in accordance with CELPS Policies SD 2, SE 1, LPS 19 and the Cheshire East Design Guide.

2. Housing Mix

In response to deferral, the applicant has set out that the proposed housing mix accords with the council's evidence base for housing need and accords with Local Plan Policy SC 4 by providing an appropriate mix of housing. The scheme comprises of a range of property sizes including 1-4-bedroom properties as follows:

- 1 bedroom – 5% (6 units)
- 2 bedroom – 18% (24 units)
- 3 bedroom – 35% (47 units)
- 4 bedroom – 42% (57 units)

These units would be made up of 77 detached units (57%), 37 semi-detached units (28%) and 14 mews (10%). The Strategic Housing Market Assessment (2013) found that *"houses remain the most popular choice of most households... particularly detached and semi-detached properties, with three-bedroom houses most popular overall"*¹. The report concludes that *"in summary, future development will need to continue to satisfy household aspirations and expectations, in particular the development of detached and semi-detached houses and properties with two, three and four bedrooms"*. It is clear from the evidence above that there is a clear demand for detached and semi-detached properties in Cheshire East and this also aligns with the applicant's own market research.

As previously advised, a number of family houses are proposed which are smaller in terms of their size (i.e. not large executive family homes), which has enabled the proposed development to provide the consented number units within a slightly smaller site area. Their smaller size makes them more attractive as starter homes, people downsizing and more affordable in the market. This general makeup of dwellings would provide a good mix of type, size and coupled whilst still providing the requisite affordable provision. As such, the scheme is found to comply with Local Plan Policy SC 4.

3. Peat Removal

Para 205 of the NPPF states that when determining planning applications, 'great weight should be given to the benefits of mineral extraction, including the economy, but that mineral planning authorities should not grant planning permission for peat extraction from new or extended sites'. Policy SE 10 of the CELPS similarly relates to proposals for minerals development. The aims of the Framework and Policy SE 10 are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 and NPPF para 205(d) state that the council will "not support proposals for peat extraction from new or extended sites", this is in reference to sites for the working and mining of minerals. This is a scheme for residential development and therefore Policy SE 10 and NPPF para 205 are not applicable to this application.

The submitted Remediation and Enabling Works Strategy which accompanies the application contains a detailed strategy to deal with the peat encountered on the site. Since deferral of this application from the January SPB meeting, the applicant's Geotechnical Environmental and Engineering Specialist has provided a supplemental

letter clarifying the intended approach to manage peat on the site. The Remediation and Enabling Works Strategy was informed by comprehensive site investigations which involved the digging of over 140 trial pits and boreholes across the site to take samples of the soils at various depths. This allowed the maximum extent of peat deposits to be modelled across the site, which would inform the strategy for dealing with peat during the site enabling works.

The strategy confirms that some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. The supplementary letter also confirms that these detailed investigations have identified the need to excavate 24,000 cubic metres (m³) of peat material, of which 14,000m³ will be used within the site (in the areas of landscaping and public open space) and the remaining 10,000m³ will need to be removed from the site and appropriate material imported to replace it.

In terms of environmental sustainability, the extraction and removal of peat carries weight against the proposal. However, this is partly outweighed by the benefits of bringing forward the site for residential development to meet the housing needs of the borough, which was attributed significant weight when the site was removed from the Green Belt and allocated for housing during the adoption of the Local Plan and when outline planning permission was subsequently granted to develop the site for housing. It is considered that the impacts that the development would have in terms of disturbing peat could be minimised through the use of conditions securing a materials management plan. Discussions are currently ongoing with the applicant with regards to minimising peat removal off the site and this will be reported to members by way of an update.

4. Hydrogeology / Flood Risk

Members also sought clarification on the hydrogeological impacts of peat extraction. The applicant's consultants have confirmed that the drainage strategy takes account of the remediation and peat management strategy proposed by the applicant. Clarification has been sought from the Council's Flood Risk Manager on this point and will be reported to Members by way of an update.

5. Landscape and Levels

Detailed levels information has been submitted with the application. This shows that there would be a re-profiling of the site in part. The impact of this regrading and reprofiling would be softened and the levels difference at the boundaries to the site would be modest ensuring that there would be an appropriate transition with adjoining land / properties. The reprofiling would also assist in terms of the site remediation and enabling works and the management of materials on site. Accordingly, the scheme is considered to comply with Policies SE1, SE4, SD2 and LPS 18 of the CELPS.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a greenfield site lying to the west of Macclesfield to the north of Chelford Road and to the South-West of Whirley Road and stretches between Macclesfield

and Henbury. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 5.37 hectares in size and is positioned directly to the rear of properties fronting Chelford Road and Whirley Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS).

DETAILS OF PROPOSAL

This application seeks approval of the reserved matters following the outline approval of planning ref; 17/4277M, which granted consent for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space. Access was approved at the outline stage, but was subject to a condition precluding vehicular access from Whirley Road (condition no. 5 refers). The current proposal seeks approval of the remaining outstanding reserved matters which are appearance, landscaping, layout and scale for 134 dwellings. The application site has been reduced in size to exclude the parcel of land to the north positioned in-between no.s 42 and 50 Whirley Road. The said parcel of land is now subject of a separate application seeking full planning permission for a further 23 no. dwellings (planning ref; 19/3098M refers) and appears elsewhere on the agenda.

RELEVANT HISTORY

17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Approved 22-Jan-2019

19/3098M - Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works – Currently under consideration

20/5442M - Removal of condition 6 on approved application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Currently under consideration

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE7 The Historic Environment
SE9 Energy Efficient development
SE10 Sustainable Provision of Minerals
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments
LPS 18 Land between Chelford Road and Whirley Road, Macclesfield

Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes
NE11 Nature conservation
NE17 Nature conservation in major developments
NE18 Accessibility to nature conservation
RT5 Open space standards
H9 Occupation of affordable housing
DC3 Residential Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC14 Noise
DC15 Provision of Facilities
DC17 Water resources
DC35 Materials and finishes
DC36 Road layouts and circulation
DC37 Landscaping
DC38 Space, light and privacy
DC40 Children's Play Provision and Amenity Space
DC41 Infill Housing Development
DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework) 2019
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

Cheshire Wildlife Trust – Object on the basis that the site does not present enough scope to deliver Biodiversity Net Gain within the site.

Environmental Protection – No objection. The outline application was subject to a number of conditions which this reserved matters scheme complies with. This includes conditions

relating to electric vehicle charging infrastructure, Framework Travel Plan, noise impact and contaminated land.

Flood Risk Manager – No objection subject to accordance with submitted information and the submission of further details under the conditions attached to the outline consent.

Head of Strategic Infrastructure – No objection

Housing Strategy & Needs Manager – No objection

Manchester Airport – No objection

Natural England – No comments

Public Rights of Way – No objection

United Utilities (UU) – No objection subject to compliance with the submitted drainage design and subject to a condition requiring submission of a drainage management and maintenance plan.

VIEWS OF THE TOWN AND PARISH COUNCILS

Macclesfield Town Council (MTC) – Object on the following grounds:

1. Lack of pedestrian paths and cycleways in the development,
2. Increased congestion on already congested roads,
3. The removal of mature woodland and hedgerows,
4. Risk to flooding in the area following the development,
5. The removal of peat from the site contrary to the National Planning Policy Framework and Cheshire East's Local Plan Strategy.

MTC seeks that items i. – v. listed above are addressed in planning conditions.

MTC also re-iterate their earlier concerns:

1. The site is within close proximity of the Broken Cross Air Quality Management Area (AQMA) and the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality of that AQMA, contrary to the Cheshire East Air Quality Management Strategy;
2. Lack of cycle and pedestrian routes within the development and between the development and town centre, contrary to the LPS Policy SC3;
3. Increase of traffic on already congested highways with particular pressure on the development's access and egress junction;
4. Increased pressure on public services, e.g. buses, that have already been subject to cuts;
5. High density of housing in the development reducing the availability of open spaces to support health and wellbeing contrary to the LPS Policy SC3;
6. The density of the development is in excess of the site allocation within the Cheshire East Local Plan (LPS18), which indicates around 150 houses for the

entire site, whilst this partial development of the site indicates around 250 residences will be delivered at this development density

7. Increased pressure on primary care facilities;
8. Increased pressure on availability of primary school places;
9. Lack of evidence that there is capacity in local secondary schools;
10. Removal of trees and hedges that will result in the loss of wildlife habitat;
11. Concerns on the risk of flooding in the development area once the hard standing has been completed;
12. The application does not clearly meet the Local Plan policy requirements of LPS18 1., 2., 3. & 5.

Henbury Parish Council – Object on the grounds summarised below:

- Total number of dwellings taken with the sister applications exceeds the 150 houses proposed in the Local Plan
- It is not sustainable development
- The Council already has 7.5 year supply of deliverable housing
- The proposed green belt boundary represents a very weak boundary with the Green Belt making Henbury more vulnerable to merger with Macclesfield
- Density of housing is much higher and out of keeping with the surrounding area
- This proposal will adversely affect air quality around Broken Cross and the health of residents, pedestrians and cyclists
- The failure to address the air quality problem at 36-58 Broken Cross in pollution measurement and modelling has led to potentially misleading conclusions being drawn
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Will be very long waiting times for pedestrians which will be unsafe for school children
- Traffic flows are inaccurate (and therefore the Air Quality modelling also)
- The traffic assessment performed by CEC for Macclesfield in 2014 as part of the Local Plan production underestimated vehicle journey time during peak periods
- Development numbers are far higher than when the production of the Local Plan was prepared and will have a greater impact on the local highway network
- Proposals will result in congestion and rat-running
- No consideration given to the impact ingress/egress at Tesco Express store at Broken Cross
- Proposal will result in the loss of a tree planting scheme of 475 trees which will not be appropriately replaced
- Proposal not in accordance with emerging SAPDP which notes government advice that there should be three replacement trees for every tree removed
- Site is environmentally valuable - it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- Proposal would result in a biodiversity net loss
- Site lies in a critical drainage area, is susceptible to surface water flooding. FRA does not note presence of peat in area as noted in geo-environmental site assessment.
- There is an oversubscription at area schools with no spare places at – Whiley Road and Fallibroome Academy. Proposed development would have detrimental impact on education provision

- Local infrastructure (schools, healthcare, utility supply etc.) cannot cope

OTHER REPRESENTATIONS

Representations have been received from over 88 properties (including Local Councillor J Barber) over the five periods of consultation objecting to this application on the following grounds:

- Site should be returned to Green Belt as will result in the merger of Henbury and Macclesfield
- Brownfield sites should be developed first
- The number of houses exceeds the number in the site allocation
- Major flooding occurs on the site so housing should not be built on it
- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools and Broken cross
- Air Quality would not meet national or local standards and harm health of local residents
- Air Quality Assessment is based on flawed traffic statement. Air Quality report is misleading, based on outputs from a model using speculative input data.
- Impact of development on Broken Cross roundabout which is already busy will lead to more queueing on the highway and resultant negative impacts on nitrogen dioxide levels.
- Highway safety, especially where Whirley Road is narrow
- Increased congestion will make access by emergency services worse
- Loss of wildlife and lack of Great Crested Newt habitat enhancement / biodiversity enhancement – no biodiversity net gain contrary to NPPF and Local Plan Policy
- Removal of peat deposits
- Pedestrian safety will be compromised
- Impact on local infrastructure which will not cope
- Local schools are full as are local GP surgeries
- All original reports are flawed and should be revisited
- Neglect of local communities Health and Wellbeing especially in light of Covid-19
- Better mix of housing required including more affordable
- Density of housing too high for edge of town
- Splitting the application site does not lessen the impact of the proposals especially taking into account cumulative impacts
- Should be considered alongside sites to the south of Chelford Road
- Loss of community woodland and hedgerows
- Lack of pedestrian paths and cycleways in the development as well as green space
- Revised plans do not address previous concerns
- Lack of drainage detail
- Proposed pond needs to be fenced off
- Lack of parking provision
- Frequency of bus service is incorrect
- Provision of three storey houses not in keeping with the area
- Occupants will likely commute out of Macclesfield
- Proposal is unsustainable development in the midst of a climate emergency

- Nearby recent new builds are already reporting issues with build quality
- Support the objection raised by Cheshire Wildlife Trust
- Loss of view across open fields
- Wetlands and bogs are very important for biodiversity and locking up greenhouse gases – removal of peat will destroy this and scheme is not carbon neutral
- Previously advised that no peat would be removed from site, which was misleading
- Further peat information is required
- Proposal contrary to various climate change legislation and the Local Plan Process should be revisited with respect to allocation of the site and its suitability for housing

Macclesfield Civic Society has also commented objecting to this application on the following grounds:

- The layout of development is disappointing from a design aspect - long frontages to the estate roads with little variation in dwelling positions to add interest and this gives a suburban character to the scheme whereas the site is at the edge of urban development and in a crucial gap between Macclesfield and Henbury. Some green space is proposed and extensive landscaping of this is necessary to the north west given the reduced size of the gap between settlements and the impact on the Green Belt. The house types are generic with little variation in character, materials or design.
- The increased provision of affordable units is welcome, but occupiers will be faced with long journeys to a full range of shops, schools and other facilities necessitating extensive use of private vehicles. The travel plan complacently assumes that alternatives to the private car will be available but on closer examination this contention appears wildly optimistic.
- Bus services are infrequent and pedestrian/cycle trips would take place in the context of increased traffic movements and absence of segregated facilities.
- Despite a condition (13) on outline permission 17/4277M the travel plan makes no mention of providing electric charging point for hybrid or fully electric vehicles.
- The internal landscaping details do not indicate the benefits of providing low shrubbery along the estate roads which can usefully intercept particulate emissions (PM2.5s) from vehicles - this should be rectified.
- Overall - a standard speculative estate is offered whereas something more distinctive is required. This

OFFICER APPRAISAL

Principle of Development

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes, and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The site received outline planning permission in early 2019 under planning ref; 17/4277M for the erection of up to 135 dwellings with details of access from Chelford Road and pedestrian access from Whirley Road and associated open space. The access was agreed at the outline stage and the access points remain as originally proposed.

The principle of development has therefore been accepted and the purpose of this application is to agree the detail of the scheme, which will provide the site with a full detailed planning consent. It is not the purpose of this application to revisit the merits of developing this allocated site for residential purposes.

Site LPS 18 states that the development of Land between Chelford Road and Whirley Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new dwellings;
2. Provision of public open space and green linkages to existing footpaths and rights of way;
3. The incorporation of natural features such as trees, the existing pond and landform features into any development proposal;
4. Creating a readily recognisable Green Belt boundary, that will endure in the long term, along the western edge by tree planting and landscaping along the existing hedge line extending north-eastwards to the existing pond;
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
6. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central, western and southern/south western Macclesfield area.
- b. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- c. The line of the existing sewer should be protected.
- d. The site should be developed so as to facilitate any junction improvements that may be necessary for a future road link between Chelford Road and Congleton Road.

This application is for approval of the details of Appearance, Landscaping Layout and Scale (the reserved matters) and proposes 134 units. The proposed layout covers a slightly smaller area than the indicative layout showed at outline stage. The area to the north of the site where it fronts Whirley Road is subject of a separate application for the erection of 23 no. units (planning ref; 19/3098M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 150 indicated in the site allocation and the limit of 135

prescribed by the outline consent. Each of the applications need to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 157. This would be further increased to 187 when accounting for an additional proposal for 30 units by a separate housebuilder located to the south-east of the allocation which already has outline consent. The reserved matters are currently being considered under planning ref; 19/3816M.

The number of dwellings proposed as part of this reserved matters application would be 1 less than the outline scheme. As noted above, LPS 18 allows for around 150 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. The applicant states that the proposal would provide smaller units than envisaged at outline stage and can therefore accommodate an uplift in the number of units. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 150 dwellings” in LPS 18. The delivery of the site for residential development will contribute towards the Council’s housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 18, and other relevant policies, are considered below.

Affordable Housing

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

30% of the dwellings on site were secured as affordable housing as part of the s106 agreement attached to the outline permission, in accordance with policy SC5 of the CELPS. This includes 65% of the affordable housing to be Social Rented Housing and the balance to be Intermediate Housing. As a development of 134 dwellings, 40 dwellings are required to be provided as affordable dwellings with a 26 social rented and 14 as intermediate.

The SHMA 2013 shows the majority of the annual need in Macclesfield up to 2018 is for 103 x 2 bedroom and 116 x 3 bedroom General Needs dwellings and 80 x 1 bedroom dwellings for Older Persons accommodation which could comprise of Flats, Bungalows, Cottage Flats or Lifetime Homes.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1425. This can be broken down to 799 x 1 bedroom, 388 x 2 bedroom, 166 x 3 bedroom, 44 x 4 bedroom and 28 x 5 bedroom dwellings.

The submitted details show that 40 dwellings will be provided as affordable units. These are to be provided as:

- 6 x 1 bed units (all socially rented);
- 22 x 2 bed units (18 socially rented and 4 intermediate);
- 10 x 3 bed units (2 socially rented and 8 intermediate); and
- 2 x 4 bed units (both intermediate).

It is considered that the tenures are appropriately pepper potted through the site and the submitted Affordable Housing Scheme has been confirmed as being acceptable by the Council's Housing Strategy and Needs Manager. Accordingly, the proposal complies with policies SC 5 or LPS18 of the CELPS.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

6 x 1 bed units
24 x 2 bed units
47 x 3 bed units
57 x 4 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed and 4 bed dwellings. A number of family houses are proposed albeit smaller in terms of their size (i.e. not large executive family homes), which has enabled the proposed development to provide the consented number units within a slightly smaller site area. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

Design - Layout, Scale and Appearance

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

The proposal would be served by a new access point taken from Chelford Road situated in between no.s 103 and 105. This would feed a primary access road running north to south which would then meet with a number of tertiary roads throughout the development.

Gateways (Amber) - The Gateways into the site consist of, on the Chelford Road side, a car park (re-sited for the Cock public house) and a couple of dwellings with the corner plot being dual fronted to provide a focal point to welcome you into the site. On the Whirley Road side, this proposal would terminate short of the Whirley Road frontage but there would be a pedestrian link into the adjoining parcel of land which is currently being considered under planning ref; 19/3098M. Beyond this, there would be no vehicular access, as requested by the Strategic Planning Board when the outline application was considered. The gateway to Chelford Road would be acceptable in design terms.

Context, Scale and Density (Amber) – The open space along the western edge of the site serves purpose in easing the transition from a soft rural edge to built development that this site requires and serves to provide the buffer required by LPS 18. The design guide encourages a diverse roofscape which necessitates the variation of height. It is not uncommon to see taller feature buildings particularly at nodal points and adjacent to POS/squares in the existing fabric of Broken Cross. As amended, the scheme utilises two and half storey dwellings on some of the key nodal points to create a sense of arrival in some of the character areas, for example the squares. The scale and character in and around Broken Cross is mixed and the proposals would not appear incongruent in terms of appearance, height or scale.

Hierarchy of Streets (Green) – Following officer concerns, a more formal approach to the spine road and softer detailing to the rural/green edges of the site has been secured. The road layouts are linear in nature which results in a grid, but these as amended would be characterised by two square character areas and mews character area and formal street planting in the form of street trees.

Connectivity (Green) - The site is well connected to local bus services that run along Whirley and Chelford Road and connectivity to the PROW Macclesfield FP19 via a pedestrian link has been provided. With respect to the internal footways and cycle path connections, there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. Coactivity would be increased for existing residents.

Corner Plots (Green) - As amended, the scheme positively addresses corners. Units to the corner are dual fronted to avoid blank gable ends and to promote surveillance on facing side boundary treatments.

Parking (Amber) - A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles. The proposal positions a number of the parking spaces to the front of the units within the curtilage. However, these are softened by the use of soft landscaping and surfacing materials. There is also some courtyard parking which would remove car dominance from the street.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. Main views would terminate on decent frontages and corner plots would be dual fronted to address key vantage points. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well designed residential development which would accord with LPS 18 and the Cheshire East Design Guide.

Open Space

A minimum of 65 square metres per dwelling of public open space was secured as part of the outline consent, which based on a scheme of 134 units, amounts to 8,710 square metres. An adequate amount of formal and informal public open space is provided within the site amounting to around 8,838 square metres. This would include a Local Equipped Area of Play (LEAP) positioned centrally within the open space. The specification for this will be secured by further condition. Accordingly, the proposal complies with policy DC40 of the MBLP and policy SE 6 of the CELPS.

Residential Amenity

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However, the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located to the north, east and south of the site. The properties to the south are those fronting Chelford Road, namely 93-105 (inclusive) and already benefit from long gardens allowing decent separation with the site boundary (a minimum of c25 metres). This would allow separation in excess of 45 metres at the closest point to these properties. On the other side of the access, Plot no. 1 would sit alongside the adjoining property referred to as 'Sunnyside' and would have a separation of 17 metres dwelling to dwelling with a double garage situated in between. Plots 3 and 4 situated behind plot 1 would run along the side boundary of the rear garden of Sunnyside but would enjoy a separation of more than 22 metres. The properties to the north and east are those fronting Whirley Road. The detailed layout shows that the nearest part of the proposed development to the properties fronting Whirley Road would be in excess of 35 metres.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the

distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

Noise

The application is supported by an Environmental Noise Study. The impact of the noise from road traffic on Henbury Road and Whirley Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing and ventilation which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. Levels of noise in external garden areas are also acceptable with proposed boundary treatments. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

Air Quality

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Air quality impacts were comprehensively assessed and addressed at the outline stage. This included queries regarding monitoring tubes used and the methodology for assessment. The outline consent secured a package of mitigation measures which are forecast to mitigate the impact of the development through a highway improvement scheme at Broken Cross, electric vehicle infrastructure, a Travel Plan, dust control. Subject to these, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

Public Rights of Way and Accessibility

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Chelford Road and Whirley Road which would connect with the existing residential areas to the north, south and east. The site access will connect with the existing footway network on Chelford Road that connects with Henbury and Broken Cross. This has already been determined and accepted at the outline stage where details of access to the site were approved. With respect to the internal footways and cycle path connections, there are a number of internal footways and paths that run through the site and through the areas of open space that would facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. As such, it would increase accessibility.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stops, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Macclesfield Town Centre is approximately 2.4km from the site where the majority of shops, services and facilities are located. The location of the site is sustainable and accessible.

This proposal is considered to accord with the justification to Policy LPS 18 of the CELPS.

Highways

Whilst access was approved as part of the outline permission, this reserved matters submission seeks approval for the internal road layout of the site.

The CEC Design Guide promotes a Manual for Streets approach to all residential developments, and it is important that the design aims to reduce vehicle speeds. The main access to the site has a very straight alignment and although there is a bend in the spine road, it appears to continue on into a straight access road for private parking.

A revised road layout was submitted to address previous comments made by the Head of Strategic Infrastructure (HSI – Highways) relating to the likely high vehicular speeds resulting from the linear road layout. The revised road layout has incorporated a number of measures to reduce vehicle speeds on the straight sections of the internal roads. The minor roads within the site have been downgraded to shared surface lanes with low vehicle speeds. The internal road layout is much improved from the previous plan and complies with design standards. With regard to future adoption of the internal roads, there is no indication that verges have been provided for the lanes and these will be needed for adoption purposes at adoption stage.

The level of off-street car parking is in accordance with CEC parking standards across the development.

The submitted layout is now acceptable in highway terms and no objections are raised to the application.

It is also worth noting that the Council is in receipt of an application to remove condition no. 6 of the outline consent, which required the provision of the highway improvement works at Broken Cross (planning ref; 20/5442M). However, this will be assessed on its own merits in due course. This reserved matters application must be determined on its merits and is not to consider the highways impact which is the purpose of the outline scheme.

Trees

LPS 18 states that the development of the site will be achieved through; 'The incorporation of natural features such as trees, the existing pond and landform features into any development, and the creation of a readily recognisable green belt boundary, that will endure in the long term along the western edge by tree planting and landscaping along the existing hedge line'.

The application is supported by an Arboricultural Impact Assessment and Tree Protection Plan as required by condition no. 27 of the outline consent. The Assessment broadly complies with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Proposed tree removals are in accordance with the outline submission. The Tree Protection Plan shows some encroachment into the Root Protection Area (RPA) of an offsite Ash tree (T6) for the driveway to Plot 153 which has been addressed by the inclusion of an Engineering Specification for a reduced dig driveway. The details are

considered to be in accordance with the design parameters outlined in section 7.4 of BS5837:2012.

Some pruning of offsite trees is proposed to allow for adequate clearances/working space from the development. The pruning is generally of a minor nature and has no significant implications for trees.

The proposal includes the removal of the Community Tree Plantation within the central northern section of the site (shown as G12). The outline application made provision for the mitigation for the loss of this plantation with a Community Woodland to the north west of the site. A community woodland is not included on the submitted landscape scheme. Details of proposed planting to compensate for the loss of the plantation are therefore required in accordance with the outline application. This will be secured through the provision of a further landscaping condition. Subject to this, the mitigation and sustainable tree cover as stipulated by criterion 3 and 4 of the site allocation will be achieved.

The Council's Principal Arboricultural Officer has confirmed that the amended plans present no significant arboricultural implications. A Revised Arboricultural Impact Assessment and Tree Protection Plan will be required to reflect the changes but do not alter the conclusions of tree impacts. Accordingly, compliance with policy SE 5 of the CELPS and LPS 18 is confirmed.

Landscape

The proposed layout follows the general principles of the indicative layout that was shown at outline stage. Whilst there has been an increase in density across the site, this has been through the delivery of smaller unit types and consequently there had been no tangible loss in landscaped areas. Following concerns expressed by the Council's Landscape Officer, the amendments to the scheme have reintroduced the proposed character areas through the development, improved street hierarchy, tree planting and public realm and boundary features. The proposals show that a number of the boundary trees have been retained and that hedgerows will be planted along most of the western and northern boundary. As amended, the Council's Urban Design advisor has confirmed that these are now an acceptable framework for the design and landscaping.

With respect to levels, there would be a re-profiling in parts of the site. However, the impact of these would be softened and the levels difference at the boundaries to the site would be modest. Subject to further detail secured by condition, this would be acceptable.

Accordingly, the scheme is considered to comply with Policies SE1, SE4, SD2 and LPS 18 of the CELPS.

Ecology

A number of conditions relating to nature conservation matters were attached to the outline consent.

Condition 20 – required that the reserved matters application be supported by an updated bat survey. A further survey of Tree T2 has been submitted. No evidence of roosting bats was

recorded. The Council's Nature Conservation Officer (NCO) has therefore advised that sufficient survey work has been submitted to fulfil the requirements of this condition.

Condition 21 – required that the reserved matters application be supported by a method statement for the eradication of non-native invasive plant species. The NCO has confirmed that an acceptable strategy has been submitted.

Condition 23 - required that the reserved matters application be supported by a Great Crested Newt Strategy. The proposed development was found to be likely to result in an adverse impact on great crested newts during the determination of the outline application. Impacts would occur as a result of the loss of terrestrial amphibian habitat and the risk of any newts present on site being harmed during the site clearance and construction phase.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy and subsequent grant of the outline planning consent. The proposal will facilitate and assist the delivery of the Council's 5 year housing land supply and this was considered at outline stage as an overriding public interest.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the favourable conservation status of the Great Crested Newt species would be maintained subject to the Great Crested Newt Mitigation Strategy. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations.

The NCO has noted that the ecological area shown on the master plan submitted with the outline application and specified as part of the Great Crested Newt Mitigation Strategy submitted in accordance with Condition 23 is reduced in size. Whilst the GCN mitigation strategy (subject to details of fencing and hedging to limit public access) is considered to be acceptable – the proposed measures must be deliverable under the site layout put forward.

As an alternative, the NCO has suggested that the applicant considers entering the proposed development into Natural England's District licencing scheme, which would remove the need for any on site terrestrial habitat provision for newts. If the applicant intends to enter the district licencing scheme then a copy of the countersigned agreement with Natural England must be submitted as evidence of acceptance onto the scheme.

If habitat creation measures are delivered on site then fencing and hedging must be included on the layout plans to limit public access to the enhanced pond and habitat area. An access

point should however be provided for management purposes. The applicant is currently addressing this.

Condition 24 - required that the reserved matters application be supported by a detailed design for the new pond in the north western corner and a detailed specification for the deepening and enhancement of the retained pond. The NCO has confirmed that the submitted pond designs are acceptable.

Condition 26 – required proposals for the incorporation of features into the scheme suitable for use by breeding birds and Condition 30 – required proposals for the incorporation of features into the scheme suitable for roosting bats. Acceptable proposals for the provision of nesting birds and roosting bats have been submitted.

Condition 28 of the outline consent relates to external lighting. The previously submitted lighting strategy submitted was acceptable from a nature conservation perspective. The lighting scheme does not however reflect the current layout proposals. The lighting scheme needs to be updated and a revised plan submitted in accordance with this condition. This detail can be secured by further condition.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. As anticipated the proposed development will result in the loss of sections of hedgerow from the interior of the site. The proposed landscaping scheme includes proposals for the planting of a significant length of new hedgerow planting. The proposed hedgerow planting would be sufficient to compensate for that lost and deliver an overall gain in the extent of hedgerows on site.

The NCO has advised that conditions requiring the delivery of the proposed hedgerow planting and a Management Plan for the provision of access for hedgehogs. Subject to the proposed mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

Flood Risk and Drainage

A Flood Risk Assessment (FRA) has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the site does suffer from critical drainage issues and this is identified within the FRA and has also been highlighted by the Parish Council and residents.

The Environment Agency Long Term Flood Risk Map shows that isolated parts of the site exhibit a High Risk of surface water flooding. This means that annually, parts of the site have a chance of flooding of greater than 3.3%. The maximum depth of flooding modelled on site during this return period from surface water is between 300-900mm. The flooding shown to the north of the site corresponds with a marshy area. This flooding has no discernible flow and is effectively shallow ponding at a low point of the site due to the impermeable nature of the superficial geology. Surface water flooding occurs to the southern part of the site which would appear to be an overland route for a culvert surcharging.

Further information has been submitted by the applicant in respect of flood risk and drainage. The Flood Risk Assessment acknowledges that “the site is currently susceptible to surface water flooding as there is no/limited surface water management on the site. A comprehensive scheme of surface water attenuation is proposed as part of the development, ensuring that there will be no increase in surface water runoff. In fact, the proper management of surface water will eliminate the current issues reported by local residents”.

The Council’s Flood Risk Manager has confirmed that the surface water should be drained within site boundary and discharged at greenfield run-off rate without causing adverse flooding to existing or proposed properties. Following additional concerns raised, further details have been secured and the Council’s Flood risk manager is now satisfied that subject to the proposed mitigation, and conditions, the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties and is therefore acceptable.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion ‘c’ of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed detailed layout respects the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection.

The Council’s Flood Risk Manager and United Utilities have been consulted on this application and have no objection subject to conditions. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

Contaminated Land

Contaminated land matters were considered and appropriately conditioned at the outline stage. Details with regard to the proposed ground gas mitigation measures should be submitted for approval, but this would be as part of a discharge of conditions application pursuant to the outline consent. No further contaminated land matters are raised by the proposed reserved matters.

Peat

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will “not support proposals for peat extraction from new or extended sites”, this is in reference to sites for the working and mining of minerals. This is a scheme for residential development and therefore Policy SE 10 is not applicable to this application.

The Geo-Environmental Assessment which accompanied the outline application confirmed that peat is present on the site. The Remediation and Enabling Works and Piling reports submitted with this reserved matters application confirm that some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. It advises that pile foundation techniques will be used to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. Discussions are currently ongoing with the applicant with

regards to minimising peat removal off the site and this will be reported to members by way of an update.

Other Matters Raised by Representation

Whilst concerns have been raised regarding the impact on the local highway network and local infrastructure including schools and local GP surgeries, these matters have already been considered and with mitigation, deemed acceptable under the outline approval as has the principle of developing this site.

Matters relating to property values and compensation are not a material consideration.

BALANCE OF ISSUES

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 134 dwellings. This application seeks approval of the detail in terms of its scale, layout, appearance and landscaping. Details of access were determined at outline stage and approved vehicular access from Chelford Road and pedestrian access from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. Appropriate public open space including a Locally Equipped Area for Play (LEAP) would be provided on site. The layout would provide an appropriate buffer with the Green Belt to the west and landscape transition as required by the site allocation. Tree losses have already been accepted and would be partly mitigated in the proposed landscaping of the site.

Mitigation for the impact of the proposal on local infrastructure including education, healthcare provision and outdoor and indoor sports and recreation was secured at outline stage as part of the s106 legal agreement. With respect to highways, consideration of the outline consent determined that the development will not have a detrimental impact on the local highway network. Similarly, the impact on local air quality (including cumulative impacts) has been determined to be acceptable also.

It is acknowledged that the site is currently susceptible to surface water flooding. However, a comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This has been agreed with the Council's Flood Risk Manager and as such, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. In the interests of environmental sustainability, as much of the excavated material would be placed elsewhere within the site where level changes are proposed. However, not

all of the peat can be retained on site and accordingly, conditions are recommended securing a materials management plan to minimise peat extraction and removal as far as is practicable.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

RECOMMENDATION

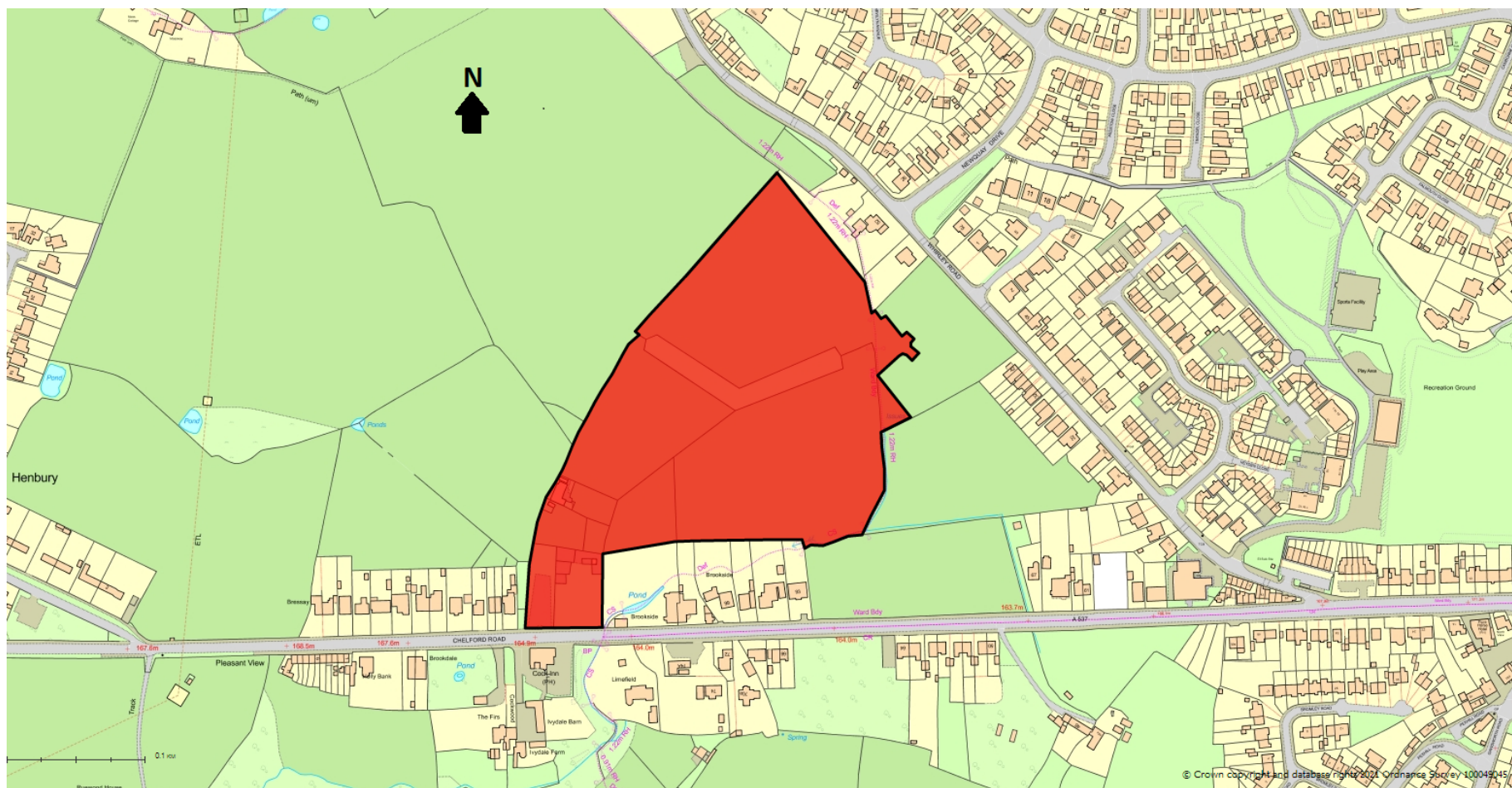
APPROVE subject to the following conditions:

- 1. Accordance with Amended / Approved Plans**
- 2. Accordance with submitted Affordable Housing Scheme**
- 3. Facing materials to be submitted and approved**
- 4. Updated Public Open Space Management Plan to be submitted**
- 5. Detailed specification of LEAP to be submitted**
- 6. Accordance with submitted details of levels**
- 7. Landscaping scheme to be submitted including details of hard surfacing materials and details of mitigation planting for community woodland**
- 8. Implementation of landscaping scheme**
- 9. Further details of boundary treatments to be submitted and shall include measures for brash/wood piles and the incorporation of gaps for hedgehogs**
- 10. Drainage Management and Maintenance Plan to be submitted**
- 11. Updated details of external lighting to be submitted**
- 12. Updated Great crested Newt Strategy to be submitted or entry onto into Natural England's District licencing scheme**
- 13. 25 year habitat management plan to be submitted, approved and implemented**
- 14. Removal of permitted development rights classes A-E**
- 15. Obscured glazed on selected plots with no further openings to be created**
- 16. Adherence to the submitted Arboricultural Impact Assessment / Method Statement and Tree Protection Plan**
- 17. Submission, approval and implementation of a Materials Management Plan for the extraction and relocation of peat deposits**

Informative:

- 1. Verges required for adoption**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



Application No: 19/3098M

Location: Land between Chelford Road Henbury and Whirley Road Macclesfield Cheshire

Proposal: Erection of 23no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works.

Applicant: Mr Matthew Shipman, Bellway Homes Limited (Manchester Division)

Expiry Date: 27-Mar-2020

SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The principle of residential development on the site has been established through the grant of outline planning permission for a larger development adjoining the site and allocation of the site in the Cheshire East Local Plan Strategy (CELPS) under Policy LPS 18. The proposed development seeks to provide a residential development of 23 dwellings and is submitted in full. Vehicular and pedestrian access would be taken from the adjoining development to the south currently being considered under planning ref; 19/3097M. Pedestrian access would be provided from Whirley Road.

The proposal provides the required amount of affordable housing with an appropriate mix and density of housing. The proposal achieves an appropriately designed residential development and would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants.

Mitigation for the impact of the proposal on local infrastructure including education, open space and provision for outdoor and indoor sports and recreation would be secured as part of a s106 legal agreement.

With respect to highways, a development of this size will not have a detrimental impact on the local highway network even accounting for other committed developments. Similarly, the impact on local air quality (including cumulative impacts) will be acceptable also.

It is acknowledged that the adjoining site is currently susceptible to surface water flooding. However, a comprehensive scheme of surface water attenuation is proposed ensuring there will be no increase in surface water runoff. This has been agreed with the Council's Flood Risk Manager and as such, will adequately mitigate the residual risk of flooding from surface water and not increase the risk of flooding to neighbouring properties.

The site contains peat deposits. Pile foundation techniques will be utilised to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. In the interests of environmental sustainability, as much of the excavated material would be placed elsewhere within the site where level changes are proposed. Discussions

are currently ongoing with the applicant with regards to minimising peat removal off the site and this will be reported to members by way of an update.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and a s106 agreement.

DESCRIPTION OF SITE AND CONTEXT

This application relates to a greenfield site lying to the west of Macclesfield to the north of Chelford Road and to the South-West of Whirley Road. It sits in-between no.s 42 and 50 Whirley Road. Surrounding uses include mainly residential and agricultural land. Whirley Primary School lies to the north-west. The site measures approximately 0.97 hectares in size and is positioned directly to the rear of properties fronting Chelford Road and Whirley Road. The site forms part of an allocated site for housing development under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS).

DETAILS OF PROPOSAL

This application seeks full planning permission for the erection of 23 no. dwellings. The site has been excluded from a larger development for which outline planning permission has already been granted for the erection of up to 135 dwellings (planning ref; 17/4277M refers. The reserved matters pursuant to the outline consent are currently being considered under planning ref; 19/3097M and appears elsewhere on the agenda. Vehicular access would be provided through that adjoining development.

RELEVANT HISTORY

17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Approved 22-Jan-2019

19/3097M - Reserved Matters application for the erection of 134no. dwellings, vehicular access, roads and footways, hard and soft landscaping, drainage and other associated works following outline approval 17/4277M – Currently under consideration

20/5442M - Removal of condition 6 on approved application 17/4277M - Outline application for the erection of up to 135 dwellings with access from Chelford Road and Whirley Road and associated open space – Currently under consideration

POLICIES

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE10 Sustainable Provision of Minerals

SE12 Pollution, land contamination and land stability

SE13 Flood risk and water management

CO1 Sustainable travel and transport

CO3 Digital connections

CO4 Travel plans and transport assessments

LPS 18 Land between Chelford Road and Whirley Road, Macclesfield

Macclesfield Borough Local Plan saved policies (MBLP)

NE3 Protection of Local Landscapes

NE11 Nature conservation

NE17 Nature conservation in major developments

NE18 Accessibility to nature conservation

RT5 Open space standards

H9 Occupation of affordable housing

DC3 Residential Amenity

DC6 Circulation and Access

DC8 Landscaping

DC9 Tree Protection

DC14 Noise

DC15 Provision of Facilities

DC17 Water resources

DC35 Materials and finishes

DC36 Road layouts and circulation

DC37 Landscaping

DC38 Space, light and privacy

DC40 Children's Play Provision and Amenity Space

DC41 Infill Housing Development
DC63 Contaminated land

Other Material Considerations

National Planning Policy Framework (The Framework) 2019
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS (External to Planning)

ANSA / Greenspaces - No objection to financial contributions of:

- Protected Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space
- Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch
- Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments
- Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre

Education - The Council's Children's Services have confirmed that the proposal would result in a claim for 3 secondary children 19 dwellings x 0.15 (secondary yield) = 3 children 3 x 17,959 x 0.91 = £49,028 No primary education provision is required.

Environmental Protection – No objection subject to conditions relating to electric vehicle charging infrastructure, piling, dust management, noise mitigation and contaminated land.

Flood Risk Manager – No objection subject to accordance with submitted information and the submission of further details under the conditions attached to the outline consent.

Head of Strategic Infrastructure – No objection

Housing Strategy & Needs Manager – No objection

NHS - The NHS has confirmed that they would not be seeking any financial contributions from this development owing to its small size and scale.

United Utilities (UU) – No objection subject to drainage conditions.

VIEWS OF THE TOWN AND PARISH COUNCILS

Macclesfield Town Council (MTC) – Object on the following grounds:

1. Incompatibility with Macclesfield Town Council and Cheshire East Council's declaration of climate emergency; the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality in the Broken Cross Air Quality Management Area.

2. Lack of cycle and pedestrian routes between the development and town centre which is incompatible with Macclesfield Town Council and Cheshire East Council's declaration of a climate emergency.
3. The Broken Cross junction is a known bottleneck in and out of Macclesfield; congestion will be worsened by an increase in traffic from the development. Additionally, a traffic plan to ease the bottlenecks at this junction has yet to be published.
4. Increased pressure on public transport in a time when services are being reduced.
5. Overdevelopment of the site; the number of planned houses exceeds the allocation for the site as published in Cheshire East Council's Local Plan Strategy.
6. Lack of affordable housing within the development. Increased pressure on primary care facilities.
7. Increased pressure on availability of primary school places.
8. Increased pressure on secondary school places; a shortfall of 392 places by 2024 has been identified by Cheshire East Council.
9. Removal of trees and hedges which is incompatible with Macclesfield Town Council and Cheshire East Council's declaration of a climate emergency.
10. The development site is prone to flooding and will be exacerbated by the development.

MTC also re-iterate their earlier concerns:

1. The site is within close proximity of the Broken Cross Air Quality Management Area (AQMA) and the development will lead to increased traffic volumes and therefore further exacerbate the poor air quality of that AQMA, contrary to the Cheshire East Air Quality Management Strategy;
2. Lack of cycle and pedestrian routes within the development and between the development and town centre, contrary to the LPS Policy SC3;
3. Increase of traffic on already congested highways with particular pressure on the development's access and egress junction;
4. Increased pressure on public services, e.g. buses, that have already been subject to cuts;
5. High density of housing in the development reducing the availability of open spaces to support health and wellbeing contrary to the LPS Policy SC3;
6. The density of the development is in excess of the site allocation within the Cheshire East Local Plan (LPS18), which indicates around 150 houses for the entire site, whilst this partial development of the site indicates around 250 residences will be delivered at this development density
7. Increased pressure on primary care facilities;
8. Increased pressure on availability of primary school places;
9. Lack of evidence that there is capacity in local secondary schools;
10. Removal of trees and hedges that will result in the loss of wildlife habitat;
11. Concerns on the risk of flooding in the development area once the hard standing has been completed;
12. The application does not clearly meet the Local Plan policy requirements of LPS18 1., 2., 3. & 5.

Henbury Parish Council – Object on the grounds summarised below:

- Total number of dwellings taken with the sister applications exceeds the 150 houses proposed in the Local Plan
- It is not sustainable development
- The Council already has 7.5 year supply of deliverable housing
- The proposed green belt boundary represents a very weak boundary with the Green Belt making Henbury more vulnerable to merger with Macclesfield
- Density of housing is much higher and out of keeping with the surrounding area
- This proposal will adversely affect air quality around Broken Cross and the health of residents, pedestrians and cyclists
- The failure to address the air quality problem at 36-58 Broken Cross in pollution measurement and modelling has led to potentially misleading conclusions being drawn
- Pedestrian flow surveys were carried out when a number of year groups were on leave due to exams
- Will be very long waiting times for pedestrians which will be unsafe for school children
- Traffic flows are inaccurate (and therefore the Air Quality modelling also)
- The traffic assessment performed by CEC for Macclesfield in 2014 as part of the Local Plan production underestimated vehicle journey time during peak periods
- Development numbers are far higher than when the production of the Local Plan was prepared and will have a greater impact on the local highway network
- Proposals will result in congestion and rat-running
- No consideration given to the impact ingress/egress at Tesco Express store at Broken Cross
- Proposal will result in the loss of a tree planting scheme of 475 trees which will not be appropriately replaced
- Proposal not in accordance with emerging SAPDP which notes government advice that there should be three replacement trees for every tree removed
- Site is environmentally valuable - it hosts/supports waterfowl, migratory birds, wildflowers, birds of prey, bats, great crested newts, and rare species as noted in Ecological Assessment.
- Proposal would result in a biodiversity net loss
- Site lies in a critical drainage area, is susceptible to surface water flooding. FRA does not note presence of peat in area as noted in geo-environmental site assessment.
- There is an oversubscription at area schools with no spare places at – Whiley Road and Fallibroome Academy. Proposed development would have detrimental impact on education provision
- Local infrastructure (schools, healthcare, utility supply etc.) cannot cope

OTHER REPRESENTATIONS

Representations have been received from over 36 properties (including Local Councillors Barber and Vernon) over the two periods of consultation objecting to this application on the following grounds:

- Site should be returned to Green Belt as will result in the merger of Henbury and Macclesfield
- Brownfield sites should be developed first
- The number of houses exceeds the number in the site allocation
- Major flooding occurs on the site so housing should not be built on it

- Increasing traffic and congestion would further worsen existing air pollution in the area, including at nearby schools and Broken cross
- Air Quality would not meet national or local standards and harm health of local residents
- Air Quality Assessment is based on flawed traffic statement. Air Quality report is misleading, based on outputs from a model using speculative input data.
- Impact of development on Broken Cross roundabout which is already busy will lead to more queueing on the highway and resultant negative impacts on nitrogen dioxide levels.
- Highway safety, especially where Whirley Road is narrow
- Increased congestion will make access by emergency services worse
- Loss of wildlife and lack of Great Crested Newt habitat enhancement / biodiversity enhancement
- Removal of peat deposits
- Pedestrian safety will be compromised
- Impact on local infrastructure which will not cope
- Local schools are full as are local GP surgeries
- All original reports are flawed and should be revisited
- Neglect of local communities Health and Wellbeing especially in light of Covid-19
- Better mix of housing required including more affordable
- Density of housing too high for edge of town
- Splitting the application site does not lessen the impact of the proposals especially taking into account cumulative impacts
- Should be considered alongside sites to the south of Chelford Road
- Loss of community woodland and hedgerows
- Lack of pedestrian paths and cycleways in the development as well as green space
- Revised plans do not address previous concerns
- Lack of drainage detail
- Proposed pond needs to be fenced off
- Lack of parking provision
- Frequency of bus service is incorrect
- Provision of three storey houses not in keeping with the area
- Occupants will likely commute out of Macclesfield
- Proposal is unsustainable development in the midst of a climate emergency
- Nearby recent new builds are already reporting issues with build quality

Macclesfield Civic Society has also commented objecting to this application on the following grounds:

- Concerned at a strategic level that the increment of 23 dwellings would assure that the Local Plan Strategic Allocation of around 150 dwellings would be exceeded given that there is a further site to the east which is as yet undeveloped and has not been the subject of a planning application to date
- Over development of the allocation would have implications for traffic movement, air quality and impact on services - surely if limits are set as strategic objectives then they should only be exceeded in the most compelling of circumstances - none appear evident in this case

OFFICER APPRAISAL

Principle of Development

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

The application site is allocated as a Strategic Site for housing under Policy LPS 18 of the Cheshire East Local Plan Strategy (CELPS). When the Council adopted the Cheshire East Local Plan Strategy on 27th July 2017, the site was removed from the Green Belt.

The site is part of a larger site which received outline planning permission in early 2019 under planning ref; 17/4277M for the erection of up to 135 dwellings with details of access from Chelford Road and pedestrian access from Whirley Road and associated open space. This application site has been separated off from the larger scheme.

The principle of development has been deemed to be acceptable. The purpose of this application is to determine whether this standalone detailed application for a further 23 units is acceptable in terms of its detail.

Site LPS 18 states that the development of Land between Chelford Road and Whirley Road will be achieved over the Local Plan Strategy period through:

1. The delivery of around 150 new dwellings;
2. Provision of public open space and green linkages to existing footpaths and rights of way;
3. The incorporation of natural features such as trees, the existing pond and landform features into any development proposal;
4. Creating a readily recognisable Green Belt boundary, that will endure in the long term, along the western edge by tree planting and landscaping along the existing hedge line extending north-eastwards to the existing pond;
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities; and
6. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities.

Additionally, the following site specific principles of development apply:

- a. The development would be expected to contribute towards off-site road infrastructure improvements in the central, western and southern/south western Macclesfield area.
- b. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.
- c. The line of the existing sewer should be protected.

d. The site should be developed so as to facilitate any junction improvements that may be necessary for a future road link between Chelford Road and Congleton Road.

This application is for 23 units in addition to the 134 units proposed in the adjoining development which is the subject of a separate application (planning ref; 19/3097M refers).

Objectors have levied concern that the two schemes combined would take the development numbers past the general number of 150 indicated in the site allocation and the limit of 135 prescribed by the outline consent. Each of the applications need to be considered on their merits but also within the context of each other. The total number of dwellings proposed by the two applications would amount to 157. This would be further increased to 187 when accounting for an additional proposal for 30 units by a separate housebuilder located to the south-east of the allocation which already has outline consent. The reserved matters for that scheme are currently being considered under planning ref; 19/3816M.

As noted above, LPS 18 allows for around 150 new homes, but this is a broad figure and is not an upper limit for development as factors such as size and mix of housing have a bearing on numbers. Subject to the development complying with other relevant planning policies, it is considered that such a number could be considered to meet the requirement of “around 150 dwellings” in LPS 18. The delivery of the site for residential development will provide a small contribution towards the Council’s housing land supply and assist in meeting the development requirements of Macclesfield and the wider Borough. The further requirements of policy LPS 18, and other relevant policies, are considered below.

Affordable Housing

Policy SC 5 of the CELPS and the Councils Interim Planning Statement on Affordable Housing (IPS) requires the provision of 30% affordable housing on all ‘windfall’ sites of 15 dwellings or more. This relates to both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

As this is a scheme for 23 no. units, 7 of the units will be required to be affordable. To satisfy the required tenure split, 5 of the units would need to be provided as social rented accommodation and 2 of the units as intermediate tenure.

The SHMA 2013 shows the majority of the annual need in Macclesfield up to 2018 is for 103 x 2 bedroom and 116 x 3 bedroom General Needs dwellings and 80 x 1 bedroom dwellings for Older Persons accommodation which could comprise of Flats, Bungalows, Cottage Flats or Lifetime Homes.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1425. This can be broken down to 799 x 1 bedroom, 388 x 2 bedroom, 166 x 3 bedroom, 44 x 4 bedroom and 28 x 5 bedroom dwellings.

The submitted details show that 7 of the dwellings will be provided as affordable units. These are to be provided as:

4 x 1 bed (3 social rented / 1 intermediate)

3 x 2 bed (1 social rented / 2 intermediate)

It is considered that the tenures are appropriately pepper potted through the site and the submitted Affordable Housing Scheme has been confirmed as being acceptable by the Council's Housing Strategy and Needs Manager. Accordingly, the proposal complies with policies SC 5 or LPS18 of the CELPS.

Residential Mix

Policy SC4 of the CELPS states that new residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation.

The proposed development comprises of:

4 x 1 bed units
3 x 2 bed units
6 x 3 bed units
10 x 4 bed units

A range of housing types are being proposed from small sized 1 bed apartments offering ground floor single storey entry to 2 bed, 3 bed and 4 bed dwellings. This general makeup of dwellings would provide a good mix of type, size and coupled with the affordable provision. The proposal would provide a diverse community and would fit in with the existing residential development which varies in terms of its size and type. As such, the scheme is found to comply with Local Plan Policy SC 4.

Design - Layout, Scale and Appearance

Amongst other criteria, policy SD2 of the CELPS expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- a. Height, scale, form and grouping;
- b. Choice of materials;
- c. External design features;
- d. Massing of development - the balance between built form and green/public spaces;
- e. Green infrastructure; and
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS expects housing developments to achieve Building for Life 12 (BfL12) standard, and that development proposals consider the wider character of a place in addition to that of the site and its immediate context, to ensure that it reinforces the area in which it is located. These principles are also reflected in the CEC Design Guide. The relevant BfL12 headings are considered below:

Connections (Green) - The proposal would be only accessible by vehicles through the adjoining application site. With regard to this, it can be seen that the decision to remove the vehicular connection to Whirley Road (as approved in the outline) and was imposed to reduce vehicles on that street. That said, the proposed would allow pedestrian and cycle access and would link Chelford Road from the south with Whirley Road, a connection which does not presently exist.

Accommodation and Tenure Mix (Amber) - The affordable units are clustered to the eastern corner of the site and not pepper-potted throughout. However, this application is only for a small number of homes and this could be considered 'specific circumstances' the case across the wider development that the affordable homes are clustered in groups as opposed to properly dispersed as set out in Policy SC 5.

Layout, Density and Frontage (Amber) - This is clearly an adjunct to the larger site and as such it is difficult to review it in isolation. However, looking predominantly at this application, the units on plots 140-147 are in front of the building line, whereas 137-139 are set back further behind landscaping. However, this projection would not be harmful to the street scene and the existing hedgerow along Whirley Road could be incorporated into the boundary landscaping to soften it. It is recommended that this be secured by condition as are further details of boundary treatments.

Character (Green) - The inclusion of some local precedent work and reference to the Cheshire East Borough Design Guide is welcomed and it can be seen where the cues have been taken from. The homes are essentially standard house types and whilst the Design Guide accepts the reality of these, it suggests that these can be given a fresh and modern feel. The unfussiness of the elevations along with use of black fascias, frames and doors is welcomed and there is an equally welcome avoidance of pastiche. The units are found to be acceptable on their merits.

In terms of appearance, the proposed dwellings would be acceptable within the context of the site and would offer a degree of variation within the street. It is considered that the overall design, scale, form and appearance of the proposals would be acceptable subject to the use of high quality materials. The proposal achieves a well designed residential development which would accord with LPS 18 and the Cheshire East Design Guide.

Education

One of the site specific principles of the site allocation under LPS 18 is that the development of the site will require "contributions to education and health facilities".

In the case of the current proposal for 23 dwellings, a development of this size would generate:

- 4 primary children (23 x 0.19)
- 3 secondary children (23 x 0.15)
- 0 SEN children (23 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are

factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. Confirmation has been sought from Council's Children's Services as to whether there remains a shortfall in school places and whether this needs to be alleviated by financial contributions. Children's Services have confirmed that this proposal would result in a claim for 3 secondary children 19 dwellings x 0.15 (secondary yield) = 3 children 3 x 17,959 x 0.91 = £49,028. This would be secured by of a s106 legal agreement. No primary education provision is required as there is sufficient capacity at this level.

Healthcare

The views of the NHS Eastern Cheshire Clinical Commissioning Group (CCG) have been sought. The NHS has confirmed that they would not be seeking any financial contributions from this development owing to its small size and scale.

Public Open Space and Recreation

The local plan allocation for this site and Policy SE 6 of the CELPS sets out that the open space requirements for housing development are (per dwelling):

- Children's play space – 20sqm
- Amenity Green Space – 20sqm
- Allotments – 5sqm
- Green Infrastructure connectivity 20sqm

This policy states that it is likely that the total amount of 65sqm per home (plus developer contributions for outdoor and indoor sports) would be required on major Greenfield and brownfield development sites. The proposed scheme is small in terms of its size and therefore does not propose the provision of any on-site public open space. At 65sqm per dwelling, the total amount of on-site open space required would be up to 1,495 square metres. In the absence of on-site provision, contributions would usually be sought towards existing areas of open space near to the development. The necessary outdoor sports and indoor sports facilities would also usually be provided by way of a financial contribution towards off site provision.

The Council's open spaces officer and Leisure Services have confirmed that the following commuted sums would be required in lieu of on-site provision:

- Protected Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space
- Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch
- Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments
- Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre

Subject to these being secured by way of a legal agreement, the scheme accords with MBLP Policies RT5 and DC40 and CELPS Policies SC 1 and SC2.

Residential Amenity

Saved policy DC38 of the MBLP states that new residential developments should generally achieve a distance of between 21m and 25m between principal windows and 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CE Design Guide states separation distances should be seen as guide rather than a hard and fast rule. The Design Guide does however acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest existing residential properties are located to the north and east and are those fronting Whirley Road. The proposed layout shows that the part of the development fronting Whirley Road would sit alongside the existing properties (i.e. side to side). As such, the amenity afforded to existing properties on the same side as Whirley Road would be respected. With respect to those on the opposite side of Whirley Road, at its closest point, the separation would be c23 metres. This is sufficient to ensure no material harm to neighbouring amenity by reason of loss of light, direct overlooking or visual intrusion.

The layout within the site ensures the relationships between the new dwellings result in acceptable standards of space, light and privacy for future occupants, having regard to the distance guidelines set out above. There will be sufficient private amenity space for each new dwelling. The proposal is therefore considered to accord with policy DC3 of the MBLP.

Noise

The application is supported by an Environmental Noise Study. The impact of the noise from road traffic on Henbury Road and Whirley Road on the proposed development has been assessed in accordance with British Standard BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings. The report recommends noise mitigation measures in the form of specific glazing and ventilation which are designed to achieve BS8233: 2014 and WHO guidelines; to ensure that future occupants of the properties are not adversely affected by environmental noise. The proposal complies with policy SE 12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

Air Quality

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is a full application for 23 dwellings as part of a larger development, the remaining dwellings being submitted under a separate reserved matters application. These extra dwellings represent an increase on the original number submitted under the initial outline application. As such, an additional air quality impact assessment has been submitted to determine the impact of the additional dwellings on the local air quality.

The report has determined that a full impact assessment is not required due to the number of additional dwellings not meeting the criteria to proceed with one as per Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance. The Council's Environmental Protection Unit has therefore confirmed that the addition of these extra dwellings would have a minimal impact and is considered insignificant in line with the previously mentioned guidance. Subject to conditions relating to electric vehicle charging infrastructure, and a dust management plan, the proposal will not have a detrimental impact on the air quality and the proposal will comply with Policy SE 12 of the CELPS.

Public Rights of Way and Accessibility

Policy LPS 18 of the CELPS requires the creation of pedestrian and cycle links within the site to connect with existing residential areas and facilities. The proposal would provide cycle and pedestrian access directly off Whirley Road which coupled with the adjoining development would connect with the existing residential areas.

With respect to the internal footways and cycle path connections, there are internal footways and paths that run through the site that would link with the adjoining development and facilitate both pedestrian and cycle movement. This would also increase permeability from Chelford Road to Whirley Road where there is currently no connection through the site. As such, it would increase accessibility.

There are existing bus stops on Chelford Road and Whirley Road that provide bus services to the local area. In addition to the bus stops, a number of facilities including schools, open space and general amenities are all within relatively close proximity of the site. Macclesfield Town Centre is approximately 2.4km from the site where the majority of shops, services and facilities are located. The location of the site is sustainable and accessible.

This proposal is considered to accord with the justification to Policy LPS 18 of the CELPS.

Highways

The Head of Strategic Infrastructure (HSI – Highways) has confirmed that this proposal for an additional 23 no. units would not have a material impact on the considerations and conclusions drawn when the cumulative impacts of the neighbouring development were originally considered. As such, this standalone application would not require further highway mitigation works and would have an acceptable impact on the local highway network owing to its small scale.

The internal road design has been downgraded to 'Lanes' similar to the design on the adjoining development. There are no objections to the proposed design but it is important in terms of adoption that provision is made for service strips/verges.

The level of off-street car parking is in accordance with CEC parking standards across the development.

The submitted layout is now acceptable in highway terms and no objections are raised to the application.

It is also worth noting that the Council is in receipt of an application to remove condition no. 6 of the outline consent, which required the provision of the highway improvement works at Broken Cross (planning ref; 20/5442M). However, this will be assessed on its own merits in due course. This application must be determined on its merits and as considered above, the scale of this proposal would not require such highway mitigation works on its own.

Trees

LPS 18 states that the development of the site will be achieved through; 'The incorporation of natural features such as trees, the existing pond and landform features into any development, and the creation of a readily recognisable green belt boundary, that will endure in the long term along the western edge by tree planting and landscaping along the existing hedge line'.

This proposal does not cover parts of the site that elements of the policy require i.e. existing ponds or the western boundary with the Green Belt and therefore are not applicable.

The submission would require the partial removal of three sections of hedgerow (H4) to facilitate pedestrian access and the impact of proposed driveway and building foundations within the Root Protection Areas (RPA) of two trees, an Ash (T6) and a Red Oak (T8). Reference is also made to the relationship of Plot 139 to Red Oak (T8) and the trees future growth potential which would need to be regularly managed by pruning. It is accepted that the section of the driveway associated with Plot 153 and Ash(T6) can be constructed in accordance with the detail submitted in the consulting Arboricultural Method Statement which broadly accords with the design advice of BS5837:2012. It is also accepted that the encroachment of Plots 153 and 139 into the RPA of Trees T6 and T8 is minor and that no specialist foundation detail is required. The design of the layout and its relationship to trees subject to a condition that requires compliance with the previously submitted Arboricultural Method Statement is acceptable. The Arboricultural Method Statement needs updating to reflect the layout changes, but this can be secured by condition.

The Council's Principal Arboricultural Officer has confirmed that the amended plans present no significant arboricultural implications. Accordingly, compliance with policy SE 5 of the CELPS and LPS 18 is confirmed.

Ecology

Great Crested Newts (GCN) - A condition should be applied which requires adherence to the GCN Mitigation Strategy submitted in support of the wider site.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The principle of developing this site for residential purposes has been deemed to be acceptable through the adoption of the Local Plan Strategy and subsequent grant of the outline planning consent. The proposal will facilitate and assist the delivery of the Council's 5 year housing land supply and this was considered at outline stage as an overriding public interest.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the favourable conservation status of the Great Crested Newt species would be maintained subject to the Great Crested Newt Mitigation Strategy. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations.

Hedgerows - Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of sections of hedgerow to provide the new pedestrian access off Whirley Road. Where hedgerows are lost suitable compensation should be provided. This will be secured by way of a landscaping condition.

Hedgehog - Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development and so the species may occur on the site of the proposed development. A condition requiring the incorporation of gaps for hedgehogs in garden or boundary fencing is recommended.

Breeding Birds / Roosting Bats - House sparrows and bats are priority species which occur in this locality. The provision of features suitable for these species as part of the development provides an opportunity to secure an enhancement.

The Council's Nature Conservation Officer has advised that conditions should be imposed requiring the delivery of hedgerow planting, a Management Plan for the provision of access for hedgehogs and features for breeding birds / bats. Subject to the proposed mitigation measures, the scheme is found to be acceptable in terms of its ecological impact and accords with MBLP Policies NE11, NE17 and CELPS Policy SE 3.

Flood Risk and Drainage

A Flood Risk Assessment has been submitted. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less. However, it is important to note that the

site does suffer from critical drainage issues and this is identified within the FRA and has also been highlighted by the Parish Council and residents.

The Environment Agency Long Term Flood Risk Map shows that isolated parts of the site exhibit a High Risk of surface water flooding. This means that annually, parts of the site have a chance of flooding of greater than 3.3%. The maximum depth of flooding modelled on site during this return period from surface water is between 300-900mm. The flooding shown to the north of the site corresponds with a marshy area. This flooding has no discernible flow and is effectively shallow ponding at a low point of the site due to the impermeable nature of the superficial geology. Surface water flooding occurs to the southern part of the site which would appear to be an overland route for a culvert surcharging.

In response to at outline application for the wider site, further information and an updated FRA have been submitted by the applicant for the adjoining development which also covers this site area. The updated FRA acknowledges that “the site is currently susceptible to surface water flooding as there is no/limited surface water management on the site. A comprehensive scheme of surface water attenuation is proposed as part of the development, ensuring that there will be no increase in surface water runoff. In fact the proper management of surface water will eliminate the current issues reported by local residents”.

The Council’s Flood Risk Manager has confirmed that the surface water should be drained within site boundary and discharged at greenfield run-off rate without causing adverse flooding to existing or proposed properties. Following additional concerns raised, further details have been secured and the Council’s Flood risk manager is satisfied that subject to the proposed mitigation, and conditions, the proposed development will adequately mitigate the residual risk of flooding of surface water and will not increase the risk of flooding to neighbouring properties and is therefore acceptable.

Also of note is the presence of a sewer within the site which runs close to the northern boundary of the site. Criterion ‘c’ of LPS 18 requires that the development respects the line of the existing sewer. It is confirmed that the proposed detailed layout respects the line of the existing sewer with no buildings situated over it. United Utilities have offered no objection.

The Council’s Flood Risk Manager and United Utilities have been consulted on this application and have no objection subject to conditions. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

Peat

Policy SE 10 of the CELPS relates to proposals for minerals development. Its aims are to ensure there is a sustainable provision of minerals within the Borough. Whilst bullet 9 of Policy SE 10 states that the Council will “not support proposals for peat extraction from new or extended sites”, this is in reference to sites for the working and mining of minerals. This is a scheme for residential development and therefore Policy SE 10 is not applicable to this application.

The Geo-Environmental Assessment which accompanied the outline application confirmed that peat is present on the site. The Remediation and Enabling Works and Piling reports

submitted with this reserved matters application confirm that some areas of peat will need to be excavated and backfilled with material to enable appropriate ground works to be undertaken and suitable foundations to be used. It advises that pile foundation techniques will be used to minimise peat removal and under hard infrastructure (like the internal roads), the peat will need to be removed. Discussions are currently ongoing with the applicant with regards to minimising peat removal off the site and this will be reported to members by way of an update.

S106 HEADS OF TERMS

Subject to the receipt of further consultee comments, a s106 agreement is currently being negotiated to secure:

- Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)
- Education contributions tbc
- NHS contributions tbc
- Public Open Space contributions tbc
- Contribution towards Recreation Open Space of £1,000 per open market family dwelling or £500 per 1 / 2 bed open market apartments
- Contribution towards indoor recreation tbc

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of affordable housing, public open space, indoor and outdoor sport (financial) mitigation would be necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

The development would result in increased demand for secondary school places within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

CONCLUSIONS

The proposal seeks to provide 23 dwellings on part of a site allocated within the CELPS. The comments received in representations have been given due consideration, however, subject to the satisfactory resolution of the s106 negotiations, the proposal complies with all relevant policies of the development plan and is therefore a sustainable form of development. On this basis, the proposal would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy, the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement making provision for:

- **Affordable Housing comprising 30% (65% of which will be for social / affordable rent and 35% for shared ownership / intermediate tenure)**
- **Education contributions of £49,028 towards secondary provision**
- **Public Open Space off site contributions of:**
 - **Protected Open Space contribution of £57,000 towards Bodmin Avenue play area and amenity open space**
 - **Recreation Open Space contribution of £19,000 towards to Weston Playing field football pitch**
 - **Allotment and community gardening contribution of £10,687.50 towards Birtles Road allotments**
 - **Indoor Sport and Outdoor Sport contribution of £4,160 towards Macclesfield Leisure Centre**

And the following conditions:

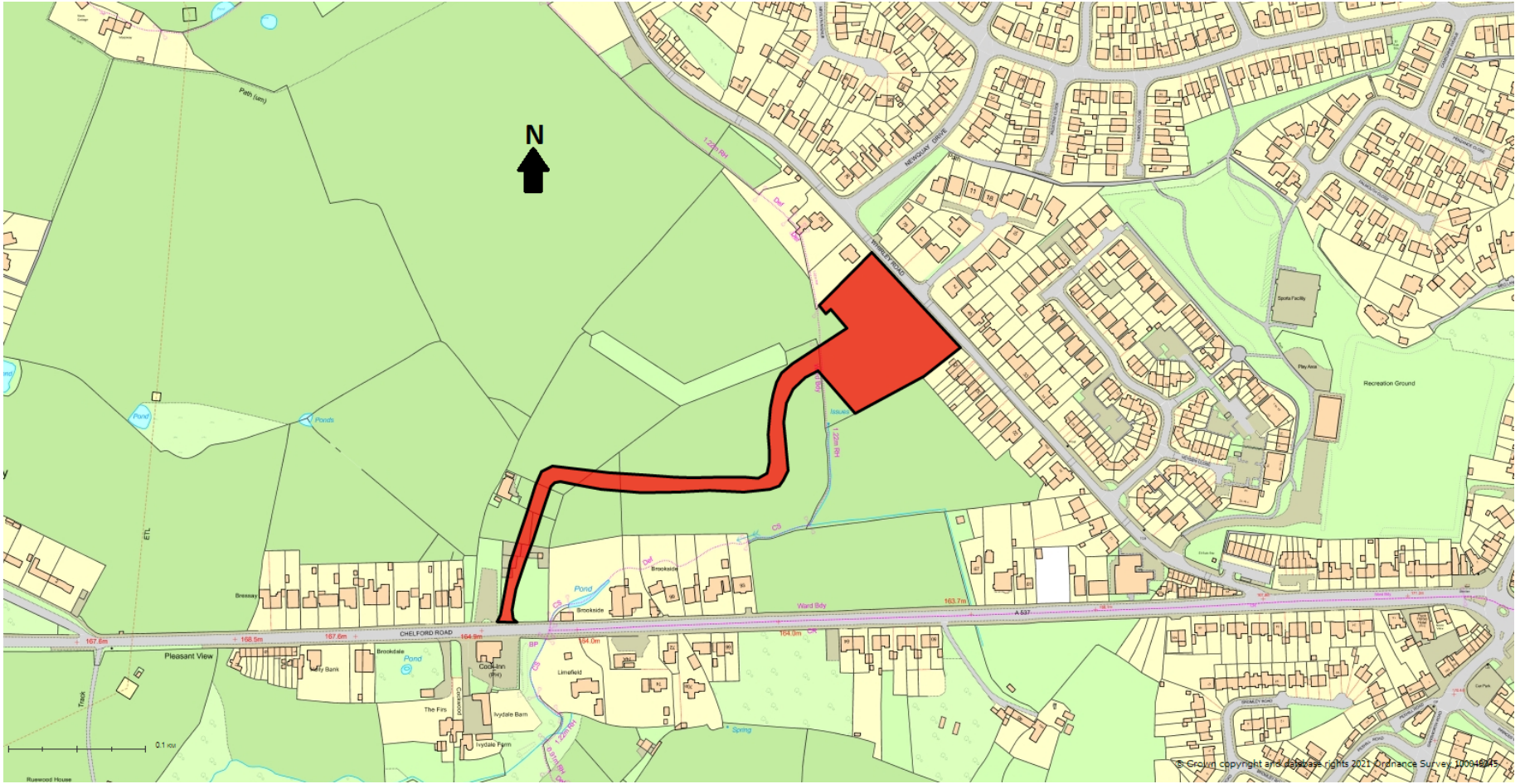
- 1. Standard Time limit – 3 years**
- 2. Accordance with Approved / Amended Plans**
- 3. Access to be constructed in accordance with approved plan prior to first occupation**
- 4. Implementation of submitted Construction Environmental Management Plan (CEMP)**
- 5. Scheme of Piling works to be submitted, approved and implemented**
- 6. Implementation of submitted Dust Control Scheme**
- 7. Accordance with submitted noise mitigation scheme**
- 8. Provision of electric vehicle infrastructure (charging points) at each property prior to first occupation**
- 9. Submission of contaminated land survey**
- 10. Remediation of contaminate land**
- 11. Details of drainage strategy to be submitted**
- 12. Development to be carried out in accordance with submitted Flood Risk Assessment**
- 13. Scheme of foul and surface water drainage to be submitted**

14. Submission of a detailed drainage strategy / design, associated management / maintenance plan
15. Accordance with submitted details of finished ground and floor levels
16. Development to be carried out in accordance with the recommendations of the submitted Ecological Report
17. Nesting Birds Survey to be carried out if works are to be carried out during the bird breeding season
18. Proposals for the incorporation of features into the scheme suitable for use by roosting bats and nesting birds to be submitted
19. Updated Arboricultural Method Statement to be submitted
20. Updated lighting scheme to be submitted
21. Accordance with submitted Affordable Housing Scheme
22. Facing materials to be submitted and approved
23. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow mitigation
24. Implementation of landscaping scheme
25. Further details of boundary treatments to be submitted and shall include measures for incorporation of gaps for hedgehogs
26. Updated Great crested Newt Strategy to be submitted or entry onto into Natural England's District licencing scheme
27. 25 year habitat management plan to be submitted, approved and implemented
28. Removal of permitted development rights classes A-E
29. Submission, approval and implementation of a Materials Management Plan for the extraction and relocation of peat deposits

Informative:

1. Verges required for adoption

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.



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Application No: 19/5596C

Location: LAND OFF, VIKING WAY, CONGLETON, CW12 1TT

Proposal: Outline planning application with all matters reserved except for the principal means of access for the erection of a residential development (Use Class C3), employment and commercial floorspace (Use Classes B1/B2/B8/C1/D2) and a local centre (Use Classes A1/A2/A3/A4/A5/D1) with associated landscaping, drainage and other infrastructure.

Applicant: Richborough Estates LLP

Expiry Date: 28-Aug-2020

SUMMARY

The proposal would satisfy the social sustainability roles by providing for much needed housing adjoining an existing settlement where there is existing infrastructure and amenities. Other mitigation for education, health, open space, indoor sport and outdoor sport and outdoor amenity is provided.

Details of the proposed indicative structure of the landscaping belts are considered to be acceptable.

The drainage/flood/ dewatering risk implications for this proposed development are considered to be acceptable subject to conditions that are requested by the Lead Local Flood Authority. The development would not have any significant impact upon the trees and hedgerows on this site.

Subject to conditions, the proposal is considered to have an acceptable impact upon ecology.

The proposed access point and the traffic impact as part of this development are considered acceptable. The internal design of the highway layout/parking provision will be a matter for reserved matters.

The development of the site would provide a number of economic benefits in the extensive commercial, employment, and residential uses of the site. The proposal also allows for a significant contribution to the Congleton Link Road, which in itself will, inter alia, deliver significant economic benefits to the town.

The adverse impacts of the development are the reduced provision of affordable housing units (17.5%). Viability assessments undertaken by the Council associated with the delivery of the Link Road have demonstrated that such an alteration to affordable housing will allow the developments with a significant financial contribution to the Link Road to remain viable.

It is considered that the environmental and economic benefits of the mixed commercial and residential proposal on this allocated site would outweigh the adverse social impacts to affordable housing within the planning balance.

RECOMMENDATION Approve subject to the completion of a S106 Agreement and conditions

DESCRIPTION OF SITE AND CONTEXT

This site forms 23.55 hectares of the LPS 27 Congleton Business Park Extension allocation within the Cheshire East Local Plan Strategy (CELPS) and sits to the north of Viking Way/Barn Road. The site comprises agricultural fields separated by numerous hedgerows. The Congleton Link Road (CLR) extension road works from Viking Way have commenced.

The site abuts numerous other sites within the LPS 27 allocation. The surrounding land uses are a mix of agricultural uses to the south and north, to the east by grassland and Westlow Mere fishing Lake operated by Congleton Fly Fisheries Ltd, to the south by the existing Congleton Employment Park. Beyond the existing Congleton Employment Park, further to the south along Barn Road lies Congleton retail Park. The River Dane runs through the site. Parts of the site lie within the Dane Valley Area of Special County Value. The site has numerous level changes and slopes from north to south from the Giantswood Lane parcel to the Viking Way parcel of the site.

The site lies within Hulme Walfield Parish area. Hulme Walfield PRow 7 runs along the eastern boundary of the site, however no PRow's are within the site itself

DETAILS OF PROPOSAL

This is an outline application with an Environmental Impact Assessment submitted for a mixed use development comprising the following:

- residential development (up to 175 dwellings)
- a retail supermarket for a discount retailer (1900sqm Gross Floor Area)
- local centre with use as non-convenience retail/hot food take away/public house (400sqm),
- office use (3,420sqm),
- light industrial/industrial use (8,680sqm) GFA
- warehousing use (11,710sqm)

The scheme also provides a greenway for pedestrian/cyclists, landscaping, ecological mitigation, sustainable urban drainage (SUDs), a buffer to the river Dane and public open space (POS). This is distributed across the following areas:

Zone	Size
Residential (Use Class C3) including landscaping and associated infrastructure	5.17 Hectares

Employment (Use Classes B1/B2/B8) including landscaping and associated infrastructure	7.60 Hectares
Local Retail (Use Classes A1-A5, D1) including landscaping and associated infrastructure	1.59 Hectares
Green and Blue Infrastructure – including P O S , ecology, (SUD's), infrastructure and vehicular access to the employment and retail zones from Viking Way.	3.79 Hectares
River Dane Buffer and greenway including cycleway and footway	3.95 Hectares
Additional non-intervention ecology area for habitat enhancements relating to Biodiversity Net Gain	1.45 Hectares

Access for the residential development only is applied for formally at this stage with access to the employment and commercial uses reserved. Vehicle access is wholly via Viking Way but with pedestrian/cycle links onto Giantswood Lane and north towards the CLR.

The application is accompanied by an Environmental Statement, an indicative layout and a Parameters Plan.

The parameters plan has been revised during the lifetime of the application and shows the larger of the three site areas being set out for housing, the creation of a green buffer between the housing and central commercial and a central retail zone. The provision of a third zone on the west side of Viking Way with the larger commercial warehousing and providing areas of green infrastructure and open space, particularly centred around the formation of the Greenway through the site and including the provision of a bridge over the River Dane. Land is also set aside for bio-diversity reasons.

The revisions also accommodate a 50m set back from the River to comply with the requirements of the Environment Agency. The Applicant has confirmed that because of the extensive revisions, the proposal seeks permission to up to 175 dwellings.

RELEVANT HISTORY

With respect to the site itself

No relevant planning history

With respect to sites within the CELPS LPS27 allocation

16/1824M - Demolition of the existing building and an outline planning application with all matters reserved except for means of access for a mixed use development comprising residential dwellings (use class C3) and employment development (use classes B1, B2 and B8) incorporating an element of leisure uses (use classes A3 and A4), together with associated woodland buffer, ecological mitigation and enhancements, open spaces and infrastructure. Granted September 2018 subject to conditions and S106

20/5859C – Mount Pleasant Farm, Giantswood Lane - Outline application with details of access (matters of layout, scale, appearance and landscaping are reserved) for the demolition of all

buildings and structures, the erection of up to 50 dwellings, new vehicle and pedestrian access, landscaping, and associated works - to be determined

20/5867C - Sandy Lane Farm, Giantswood Lane - Outline application for Residential development for up to 9 houses - to be determined

19/4599C - Sandy Lane Farm, Giantswood Lane - Outline application for Residential development for up to 9 houses – Refused 20 Jan 2020

With respect to the LPS29 Allocation - opposite on Giantswood Lane which extends to Manchester Road

17/1000C – Outline application with all matters reserved except for means of access for a development comprising up to 500 dwellings (use class C3), site for new primary school (use class D1) and local shopping facility (use class A1) together with associated open space, green infrastructure, pedestrian and cycle links – Granted July 2019 subject to S106

In addition is the approval for the Congleton Link Road:

15/4480C - The proposed Congleton Link Road - a 5.7 km single carriageway link road between the A534 Sandbach Road and the A536 Macclesfield Road. –Granted July 2016

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East comprises the recently adopted Cheshire East Local Plan Strategy, and the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plans (January 2004). The Congleton Local Plan is applicable for this site.

Cheshire East Local Plan Strategy (CELPS)

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SC4 – Residential Mix

CO1 Sustainable Travel and Transport

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE 12 – Pollution, Land Contamination and Land Sustainability

SE 13 - Flood Risk and Water Management
SE14 - Jodrell Bank
LPS27 Congleton Business Park Extension
IN1 – Infrastructure
IN2 – Developer Contributions

Congleton Borough Local Plan First Review (2005)

The relevant Saved Policies are:

PS4 Towns
GR6 Amenity and Health
GR9 Accessibility, servicing, and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR4 Non Statutory Sites
NR5 Habitats

Hulme Walfield and Somerford Booths Neighbourhood Plan – Made Plan

HOU2 Housing for Older People and people with disabilities (within Strategic Sites)
HOU3 – Rural Character
HOU4 Housing Design
ENV1 Wildlife Corridors
ENV2 Trees and Hedgerows
ENV3 Multi use routes
INF1 Infrastructure
INF2 Communications Infrastructure

National Planning Policy Framework

Of particular relevance are paragraphs:
11 Presumption in favour of sustainable development.
50. Wide choice of quality homes
102-107 Promoting Sustainable Transport
124-132 Requiring good design

Other Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation
Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing

Cheshire East SPD Residential Design Guide

CONSULTATIONS (External to Planning)

Environment Agency: No objection subject to the provision of a 50m buffer from the River Dane. No reply to consultation concerning the revisions which provide for the buffer

Jodrell Bank: No reply received

United Utilities: No objection subject to conditions concerning separate surface and foul drainage

Lead Local Flood Authority: Have considered groundwater risk at the site and watercourse. Considered the objections concerning the de-watering of the fishing lake/water table together with the Hydrogeological Impact Appraisal about Westlow Mere. No objection subject to numerous conditions, including assessment of details for a groundwater monitoring scheme and dewatering operations for the proposed development

Natural England: No objection

Cheshire Wildlife Trust: Objection on basis of insufficient biodiversity net gain, potential impact on local wildlife site, potential impact on veteran oak tree and wet woodland habitat.

Strategic Highways Manager: No objection. Detailed comments are set out in the Highways section below setting out the relationship with the CLR, more localised impacts including accessibility and the sites pivotal role in the provision of the East/West Greenway and what they feel should be covered by conditions/106 contributions.

Environmental Health: No objections, subject to conditions

Public Open Space/ Indoor Sports Provision: No objection subject to mitigation being provided.

Education: No objection subject to mitigation being provided. Seek mitigation for impacts upon secondary and SEN education.

Housing: No Objection. Confirms that the 17.5% affordable housing (80% Open Market Value rate) proposed is acceptable given the previous delivery of affordable rental units within the Congleton area.

Archaeology: No objection – satisfied with the report submitted. Require no further action

NHS South Cheshire Clinical Commissioning Group (CCG): Requests a financial contribution based on formula for the residential development.

VIEWS OF THE PARISH COUNCIL

Hulme Walfield and Somerford Booths Parish Council: Object to the application “specifically on the impact this could have on traffic in our rural parishes”. They want no access on to Giantswood Lane from any development.

VIEWS OF THE ADJACENT TOWN COUNCIL

Congleton Town Council: Object on basis of highway safety, traffic generation of Giantswood Lane; want no access on to Giantswood Lane; the additional traffic will result in loss of cycling and walking facilities, impact on nature conservation, concerns of adverse impact on Westlow Mere due to water table changes

OTHER REPRESENTATIONS

Congleton and District Fly Fisheries Ltd object on basis of potential impact of the development upon de-watering of Westlow Mere and the implication for their fishing activity. They accepted the technical findings of the Hydrogeological Impact Assessment but wished to maintain objection given that the application is in outline form and full details are not known yet.

Airbags International Autoliv and their representative object on the basis that the residential element will result in long term issues that they as a large employer will not be able to mitigate the impacts of their activity upon the new residents.

A resident on the other side of the River Dane objects on the basis that the proposal will result in greater risk of flooding to them from the River Dane. Two neighbouring farmers object on basis of loss of privacy, raise concerns and requests information concerning ground conditions and raises concern about impact of de-watering on their fields crop yield.

An objection is also raised to principle of more housing. Further concern is also raised about noise and amenity for residents as a result of the proposed commercial activities

The representations from the 9 respondents can be viewed on the web

Applicants Supporting information

The application is supported by an Environmental Statement (ES) (Containing 12 chapters) and in addition the following documents have been submitted:

Supporting Planning Statement
Statement of Community Involvement
Parameters Plan – Land Uses and heights
Indicative Sections
Design Code
Transport Statement
Hydrogeological Impact Assessment
Design and Access Statement
Arboricultural Impact Assessment

Section 106 Heads of Terms
Ecology offsetting Statement/ Metric

These reports can be viewed on the application file, but it is important to note that some of these documents/plans have been amended during the lifetime of the application and have been the subject to re-consultation.

OFFICER APPRAISAL

Principal of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and Policy MP1 'presumption in favour of sustainable development' of the CELPS state that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise".

Congleton has been identified as a Key Service Centre for Cheshire East. The focus for Congleton over the Local Plan Strategy period will be that of high-quality employment led growth to accommodate the expansion of existing businesses and attract new investment into the town.

The provision of new housing is seen as important as part of balanced and integrated portfolio of development to support the town centre, ensure balanced and sustainable communities and support the delivery of the Congleton Link Road.

Congleton is expected to accommodate in the order of 24 hectares of employment land and 4,150 new homes up to 2030 (CELPS policy PG 7 'spatial distribution of development').

LPS 27 'Congleton Business Park extension' is a significant allocation in scale. It presents the opportunity to establish a high-quality extension to Congleton Business Park, alongside other uses. The allocation offers the most effective means to support the expansion of existing successful business locations and make sure that new residential development is not only located within easy access of these employment sites but also to facilities and services, in Congleton. Key to the allocation is the provision of the Congleton Link Road.

The application site forms a part of the strategic allocation LPS 27 'Congleton Business Park extension' of the CELPS, which seeks the delivery of or a contribution towards the Congleton Link Road, a residential development of around 625 new dwellings, around 10 hectares of commercial development and the provision of pedestrian and cycle connections, which enhance Green Infrastructure, support existing wildlife areas and the River Dane, amongst other things.

In June 2016, at its Cabinet Meeting, the Council agreed to underwrite, in principle, any necessary gap funding of the Congleton Link Road. The level of any funding shortfall depends on the scale of contributions achieved from developments in the North Congleton Area.

As part of the Delivery Strategy for the Congleton Link Road (CLR), a recent (April 2020) Independent assessment of the viability of the sites in the North Congleton Area has been undertaken on the behalf of the Council.

The assessment looked at the ability of schemes associated with the delivery of the Link Road such as this site to also deliver the requested contributions as well as fully policy compliant mitigation, such as affordable housing. This will be considered later.

The Local Plan Strategy identifies the following policy requirements:

LPS 27 Congleton Business Park Extension

'The extension site at Congleton Business Park over the Local Plan Strategy period will be achieved through:

- 1. The delivery of, or a contribution towards, the Congleton Link Road;*
- 2. The delivery of around 625 new homes (at approximately 30 dwellings per hectare) as set out in Figure 15.32;*
- 3. The delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park as set out in Figure 15.32;*
- 4. The delivery of around 3 hectares of land for employment and commercial uses adjacent to the Congleton Link Road junction as set out in Figure 15.32;*
- 5. The provision of appropriate retail space to meet local needs;*
- 6. The provision of children's play facilities;*
- 7. Pedestrian and cycle links set in green infrastructure to new and existing employment, residential areas, shops, schools, health facilities the town centre;*
- 8. Contributions to health and education infrastructure; and*
- 9. The provision of land required in connection with the Congleton Link Road as set out in Figure 15.32*

Site Specific Principles of Development

- a. Provision for highway linkages to Giantswood Lane, enabling connection through to Strategic Site LPS 29 Giantswood Lane and allowing through traffic to travel between Hulme Walfield and Viking Way. Contributions will also be sought towards the Congleton Link Road /complementary highway measures on the existing highway network.*
- b. The provision of a network of open spaces for nature conservation and recreation, including the enhancement of the River Dane Valley Corridor as set out in Figure 15.32. Development should retain and enhance areas of landscape quality / sensitivity.*
- c. The timely provision of physical and social infrastructure to support development at this location.*
- d. The achievement of high-quality design reflecting the prominent landscape location of the site and creating a vibrant destination and attractive public realm.*
- e. The site should be developed comprehensively consistent with the allocation of uses set out in Figure 15.32 and the principles of the North Congleton Masterplan. Development should integrate with the adjacent uses, particularly through sustainable transport, pedestrian and cycle links.*
- f. The delivery of appropriate public transport links to connect with employment, housing and retail / leisure uses in the town.*
- g. The provision of pedestrian and cycle routes to provide clear and safe links to surrounding communities including the adjacent Strategic Site LPS 29 Giantswood Lane.*
- h. A desk based archaeological assessment will be required for this site.*

- i. The site will provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes'.*
- j. Future development should have reference to the River Dane Local Wildlife Site and Ancient Woodland.*
- k. Future development should also have consideration to Policy SE 14 'Jodrell Bank'.*
- l. In order to ensure a sustainable, mixed use scheme is delivered on the site, the council will require all housing proposals to demonstrate, through the execution of a s106 Agreement or appropriate alternative, how the delivery of employment land as an extension to the Congleton Business Park will be positively supported.*
- m. The visual, noise and pollution assessment of development should be undertaken with the assumption that the link road is in situ and suitable screening / mitigation provided accordingly. Noise and visual mitigation measures should be provided between future and existing employment / residential areas. This could include separation distances, acoustic fencing, earth mounding, tree planting and building orientation.*
- n. Any replacement and/or new sports provision should be in accordance with an adopted up to date and robust Playing Pitch Strategy and Indoor Sports Strategy and with Policy SC 2 'Indoor and Outdoor' Sports Facilities*
- o. Future development should provide an east to west greenway with pedestrian and cycle links across the site linking together proposed and existing leisure uses, local retail and other community facilities at this site with other sites to the north of Congleton. This should include a footbridge over the River Dane for pedestrian / cycle use.*
- p. The Congleton Link Road will form the northern boundary of the site*
- q. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.*
- r. The proposed route of the Congleton Link Road is as shown in Figure 15.32.*

Development should be undertaken with the assumption that the link road is in situ. The land required for the construction and delivery of the Congleton Link Road will be safeguarded from development.'

Hulme Walfield and Somerford Booths Neighbourhood Plan

The site falls within this Neighbourhood Area. The Neighbourhood Plan acknowledges the allocation of the site and that the area will be subject to significant influx of housing as a consequence of the allocation.

The policies within the Plan are in general not aimed at the Strategic sites, concentrating on windfall development of smaller sites.

Policy HOU2 'housing for older people and people with disabilities' in the Neighbourhood Plan notes that within the strategic sites, schemes should cater for the needs of people with disabilities and older people and should include a suitable mix of tenures based on an up to date assessment of housing need.

Policy ENV1 'Wildlife Corridors and Areas of Habitat Distinctiveness' protects identified wildlife corridors and habitats of high distinctiveness. The River Dane LWS is identified by the Neighbourhood Plan as an area of High Distinctiveness

Policy INF 1 'Infrastructure' notes that the associated infrastructure detailed in the site principles of development for the strategic sites must be adhered to.

As per para 11 of the Framework and CELPS Policy MP1, there is a presumption in favour of sustainable development taking into account the three objectives of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

In light of the allocation of the site within the CELPS, the principle of developing the site the mixes of uses identified within the explicit wording of the policy is acceptable in principle.

SUSTAINABILITY

Housing Land Supply

The Cheshire East Local Plan Strategy forms part of the statutory development plan.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. This is the test that legislation prescribes should be employed on planning decision making. The 'presumption in favour of sustainable development' at paragraph 11 of the NPPF means: "approving development proposals that accord with an up to date development plan without delay"

In accordance with the NPPF, the council produces an annual update of housing delivery and housing land supply. The council's most recent Housing Monitoring Update (base date 31 March 2019) was published on the 7th November 2019. The published report confirms a deliverable five-year housing land supply of 7.5 years (17,333 dwellings). While it is acknowledged that these findings have been subject to recent challenge in the recovered appeal 'Land off Audlem Road/ Broad Lane, Stapeley, Nantwich', in his decision letter dated the 15th July 2020, the Secretary of State confirms that the council can demonstrate a deliverable housing land supply well in excess of 5 years.

The 2020 Housing Delivery Test (HDT) Result was published by the Ministry of Housing Communities and Local Government on the 19 January 2021 and this confirms a Cheshire East Housing Delivery Test Result of 278%. Housing delivery over the past three years (8,421 dwellings) has exceeded the number of homes required (3,030). The publication of the HDT result affirms that the appropriate buffer to be applied to the calculation of housing land supply in Cheshire East is 5%.

The Council can now demonstrate a deliverable 5 year supply of land for housing, but it is important to note that this proposal would contribute towards the delivery of the overall allocation of up to 625 no dwellings on this entire allocated site within the adopted Local Plan.

The allocation of this site also results in the site now being located within the Settlement Boundary for Congleton.

The Council needs to keep the supply rolling and proposals that bring forward the Council's strategic vision through the development of the allocated sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

The NPPF determines that sustainable development includes three overarching objectives: economic, social and environmental. Which are interdependent and need to be pursued in mutually supportive ways (so opportunities can be taken to secure net gains across each of the different objectives).

ECONOMIC SUSTAINABILITY

The site is part of a considerably larger allocation within the Local Plan Strategy (Congleton Business Park Extension LPS 27) allocated for approx. 625 houses, retail space to meet local needs and around 10 hectares of commercial development adjacent to the existing Congleton Business Park), a further around 3 hectares of commercial development adjacent to the Congleton Link Road is also included in the allocation but outside of the red line boundary of the application site.

A key element of the overall allocation in the CELPS is the delivery of employment land. As noted above, the allocation, in point 3 of policy LPS 27 'Congleton Business Park Extension', requires the delivery of around 10 hectares of land for employment and commercial uses adjacent to Congleton Business Park. The application is proposing 7.6 hectares of employment land split across either side of Viking Way. It is noted that there are areas outside of the red line boundary of the application site that are allocated for employment use (in LPS 27) and would contribute towards the overall figure of around 10 hectares.

The applicant has also provided a marketing letter on initial steps taken to market the employment elements of the site. In broad terms, the delivery of 7.60 hectares of employment land is consistent with the allocation of the site.

The site is also considered to contribute significantly to the economic strand of sustainable development by virtue of the planned release of housing together with the contributions towards the delivery of the Congleton Link Road.

This development proposal is required to effectively mitigate against its traffic impact on the strategic highway network. The allocation of the site with the Local Plan Strategy recognises the role that this site plays in supporting the delivery of the Congleton Link Road

The Link Road will contribute in a meaningful and significant way to local economic conditions by easing congestion/ job creation in Congleton, notwithstanding the economic benefits generated by the commercial elements of the proposal itself.

It therefore follows that the mixed commercial and residential development on this allocated site would contribute significantly to the economic arm of sustainability.

RETAIL IMPACT OF THE PROPOSED SUPERMARKET / SMALL PARADE

The scheme includes a small supermarket and associated car park and a small local parade of shops / parking indicatively located off Viking Way in the commercial zone close to Viking Way/ Barn Road.

The local retail centre extends to 1.59 hectares including landscaping and associated infrastructure and car parking etc. The scheme is proposing: -

- A discount foodstore / supermarket of 1,900 sqm (Gross Internal Area). This comprises 1,300 sq m net floorspace of which 80% (1,040sq m net) would be for convenience retail floorspace and 20% (260sq m net) would be for comparison goods floorspace.
- A parade of up to three commercial units of 488sqm (gross maximum) and a café unit of 303sqm (maximum). The applicant has indicated that they are agreeable to planning conditions on the parade of shops and café that (1) restrict the café unit to the sale of food and drink for consumption (mostly) on the premises only; and (2) prevent the commercial units being occupied by a foodstore or non-food retailers (Class E(a))

Paragraphs 86 – 89 of the NPPF set out the approach to the sequential and retail impact tests for retail uses. The NPPF requires a retail impact assessment if the development is over a proportionate, locally set floor space threshold (if there is no such threshold the default threshold of 2,500 sq m of gross floor space is applied). The second part of the Council's Local Plan, the Revised Publication Draft Site Allocations and Development Policies ("SADPD") policy RET 3 proposes a lower threshold of 300sqm. The policies in the Revised Publication Draft SADPD are emerging at this time. As the SADPD has yet to be examined and the policy has outstanding objections then the policy carries limited weight in decision taking at this time

The NPPF also requires the application of a sequential test for main town centre uses that are not in an existing centre nor in accordance with an up-to-date development plan. The application site is 1.1km to the north west of the town centre and is therefore in an out-of-centre location.

Policy EG5 of the CELPS states that the Town Centre will be promoted as the primary location for main town centre uses. Point 7 of this Policy then states that; *Proposals for main town centre uses should be located within the designated town centres or on other sites allocated for that particular type of development. Where there are no suitable sites available, edge-of-centre locations must be considered prior to out-of-centre locations. Edge-of-centre and out-of-centre proposals will be considered where:*

- i. there is no significant adverse impact on the vitality and viability of the surrounding town centres; and*
- ii. it is demonstrated that the tests outlined in current government guidance can be satisfied.*
- iii. The sequential approach will not be applied to applications for small scale rural offices or other small-scale rural development in line with the government guidance.*

The original submission proposed a discount foodstore only and provided a retail planning statement on that basis. The foodstore was below the impact test threshold but a qualitative impact assessment was undertaken by the applicant. In addition, as an out of centre scheme, the applicant undertook a sequential assessment. This assessment was independently assessed by the Council's appointed retail consultant.

Revisions to the scheme were made following design and layout discussions between the applicant and Council officers. This included the introduction of a few commercial units and a

café alongside the foodstore. The applicant provided additional retail justification for this approach which has been considered by the Council's independent retail consultant. Conditions are proposed to limit the retail uses of the small parade of retail units and cafe.

Point 5 of policy LPS 27 includes reference to the provision of appropriate retail space to meet local needs. The Council's independent retail consultant agrees that subject to conditions, the provision of a café and a parade of shops would be of an appropriate scale and would serve the retail / service needs of local residents and is therefore, in principle, in accordance with policy.

Sequential Test

The sequential test is a key element of the NPPF. In support of this the Planning Practice Guidance states that the sequential test should be proportionate and appropriate for the given proposal and should;

- Have due regard to the requirement to demonstrate flexibility. Has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location preference should be given to sites that are well connected to the town centre.
- Is there scope or flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can be accommodate precisely the scale and form of the development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

It is agreed between the parties that the site is situated in an 'out-of-centre' location in retail policy terms. As a result, the sequential test needs to consider sites within and on the edge of defined centres, in this case Congleton.

If suitable sites are not available, then the assessment should consider the potential alternative out-of-centre sites that are more accessible and better connected to the town centre than the application site.

It is agreed between both parties that there is no requirement to disaggregate elements of the proposed development and that the search for alternative sites should be able to accommodate the broad type of the development proposed. This view is supported by appeal decisions at Rushden Lakes and Braintree.

In this case numerous sites were considered in the town Centre

- Site 1 – Land at Market Square.
- Site 2 – Land East of The Silk Mills.
- Site 3 – Bridestone Centre Development Site.
- Site 4 - Vacant units within Congleton Town Centre.
- Site 5 - Capitol Walk Shopping Centre

The Councils appointed retail consultant has reviewed the retail evidence provided by the applicant and considers in terms of the Sequential Assessment that - :

Site 1 - Land at Market Square - the site, due to its limited size, even after allowing flexibility, can be considered to be unsuitable for the proposed development. It is unnecessary to require the Applicant to comment further on availability.

Site 2 – Land East of The Silk Mills - the site is not suitable for the proposed development because of its constrained size and irregular shape. It is unnecessary to require the Applicant to comment further on availability.

Site 3 – Bridestone Centre Development Site – this site is mostly in the Principle Shopping Area and has a now lapsed permission for a redevelopment scheme for a multi-level mix use scheme including a 5,250sq m gross foodstore, 500 car parking spaces, a hotel, a number of A1/A3 units and new indoor and outdoor markets. No alternative scheme has ever been submitted. The site is not suitable for the proposed development on size and viability grounds. It is unnecessary to require the Applicant to comment further on availability.

Site 4 - Vacant units within Congleton Town Centre. The Council's Appointed Retail consultant considers that none of the vacant units within the town centre are suitable

Site 5 - Capitol Walk Shopping Centre – this is a vacant parade within the town centre. The site is not suitable for the proposed development on size grounds. It is unnecessary to require the Applicant to comment further on availability.

Following a review of the evidence, the council's independent retail consultant notes that there are no suitable or available sequentially preferable site for the proposed development.

The council's independent retail consultant also considered the revised scheme against the impact tests set out in the NPPF.

The Independent retail consultant advises that whilst the closure of non-essential stores and social distancing is having an impact on business within Congleton Town Centre having regard to, inter alia, the stability of the convenience goods sector in the town centre and it is his view that the quantitative impact of the proposed supermarket on the town centre's convenience goods sector is likely to be low/unlikely to directly result in any store closures, he considers that the proposed development is unlikely to result in an impact on the town centre which would be at a level which could be considered to be 'significant adverse

Having regard to conclusions on the discount foodstore element of the proposed development, given the role of the small commercial/cafe units, the type of service uses proposed in the small units, and the fact that this element of the proposal is considered to be in accordance with the local plan (where impact of the allocation would have been duly considered as part of the Local Plan process (and subject to independent scrutiny), the Council's independent retail consultants consider that the revised scheme is unlikely to have a significant adverse impact on in centre investment and town centre vitality and viability.

The independent planning consultant considers that the discount foodstore and small commercial / café units are in accordance with the retail policy tests; sequential and retail impact

test subject to conditions including limiting the amount of flood space and the type of uses that are acceptable for the local parade of shops and cafe.

On this basis, the proposed discount supermarket would be of an appropriate scale and would serve the retail needs of local/future residents and is therefore, in principle, in accordance with policy LPS 27, point 5.

ENVIRONMENTAL SUSTAINABILITY

Access To Services

It should also be noted that this site has been considered to be an appropriate housing site in the adopted Local Plan Strategy. In addition, numerous employment uses, services and amenities/local centre are accommodated within the site.

Other services such as a primary school form part of the adjacent larger sites in the area that have outline permission (LPS 29). It is therefore considered that most day to day services will be accessible to the proposed development on foot/bike or a short journey by car over the planned lifetime of the allocation

Accordingly, it is considered that this site is a locationally sustainable site and future residents would be able to avail themselves to a variety of services in the area by public transport, bike or on foot.

HIGHWAY SAFETY & TRAFFIC GENERATION

Saved Policy GR9 of the Congleton Local Plan states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

Access

There are a number of access points to serve the commercial and retail elements of this application. These are taken from Viking Way directly and are an expansion the existing North Congleton Business Park. The junctions have adequate junction spacing and provide the necessary visibility splays.

However, it has been agreed with the applicant that the access to the proposed superstore site, within the central commercial zone will be via a new right turn lane. As access for this aspect of the development will be determined at the Reserved Matters stage a condition is necessary, if approved, to ensure this is provided.

The residential development zone has a single point of access from Viking Way (Priority Junction Design). It is noted that the Transport Assessment reviews the impact of up to 230 units on this part of the site, the revised indicative layout proposes approximately 175 units. The access as proposed has been shown to operate adequately.

There is no requirement to provide a secondary access or emergency access to Giantswood Lane given the level of development proposed and none is proposed to be required.

Internal Layout

An indicative masterplan has been submitted for the residential layout, the main spine road is 5.5m wide carriageway and 2m footways on both sides. Whilst, the layout is indicative the principal route would be 5.5m wide the remaining roads can be downgraded to shared surface and lanes to reduce the formality of the design. This would be a matter at reserved matters stage

Development Impact

The transport assessment submitted in support of this application has considered the following points, which have been agreed by the Strategic Highways Manager as being appropriate to assess;

A34 Rood Hill/A54 signal junction
Clayton Bypass A34/Belgrave Avenue roundabout
Clayton Bypass A34/West Street Roundabout
Viking Way/CLR roundabout

The results of the capacity assessments at the above junctions indicate that a number of junctions operate over capacity in the base case, the Rood Hill junction and the A34/West Street junction. The capacity problems at these junctions will be significantly increased when the development is added, although when the CLR is included these junctions will operate within capacity in all scenarios. The other junctions operate within capacity in the base case plus CLR and also with development added.

It can be concluded that there are a number of junctions on the A34 in Congleton that already suffer from congestion problems and that the introduction of the CLR is required to allow the development to come forward without causing congestion and delay on the local road network. The CLR is likely to come forward in advance of this site

Accessibility

The extension to Barn Road / Viking Way is currently under construction and will provide a 3.0m wide Pedestrian/Cycleway on the east side of this site. This will allow sustainable links to be provided to the proposed employment and residential areas.

A Toucan crossing is to be provided on Barn Road on the route of the proposed East-West Greenway. A 2.0m wide footway on the West side of Barn Road will link the residential and the retail/employment areas and also provide access to the Greenway. The funding for this crossing is part of the proposed S106 and the provision of a 2.0m wide footway on the west side of Barn Road will need to be secured via a S278 agreement.

A 3.0m wide pedestrian/cycle link 'Greenway' has been provided within the residential parcel of the development - linking to the PROW close to the Westlow Mere Fishing club access from

Barn Road. This Greenway also links into the emerging proposals for the allocated adjacent land parcels.

The Council has worked with the applicant to provide a DDA compliant gradient to the route that will be adopted by the Local Highway Authority. This link will provide essential multi-modal links across the North Congleton Local Plan allocation and as such should be completed as early as possible in the delivery of the residential parcel of the development. The provision of an east to west greenway with pedestrian and cycle links is required by LPS 27.. This includes a footbridge over the River Dane for pedestrian / cycle use.

On the West Side of the development the route of the Greenway continues from Barn Road to the site of the proposed Bridge Crossing. The applicant has agreed to transfer the land for the construction of this part of the Greenway to the Council along with the necessary access rights to construct the Bridge in the future. Contributions towards the estimated cost of providing the new Dane Bridge for pedestrians and the Greenway have been agreed with the applicant.

The accessibility of the site to bus services is considered poor due to the long walking distances between 1.5 and 1.8km to the nearest bus stops on Rood Hill. There are no current bus services that use Barn Road and no diversion of existing bus services is possible to serve the development. In order to provide the site with access to public transport a new bus service is required, and it is reasonable for this site to provide a contribution to a service with other planned housing sites providing similar contributions.

Based upon a 4-year contribution of 25% of the cost of running a bus service a contribution of £150,000 is required. It is expected that given the level of development coming forward along the CLR the bus service would become a financially viable service in the future. It will also be a requirement that there is a bus waiting / layover facility secured close to the Local Centre on Barn Road.

This development is also of a scale that requires a travel plan for all elements. A £6000 Travel Plan monitoring fee is applicable, this will form part of the S106.

LANDSCAPE AND TREE/HEDGEROW IMPACT

As part of the application a Landscape and Visual Impact Assessment has been submitted. The assessment follows the guidelines and methodology outlined in the Guidelines for Landscape and Visual Impact Assessment 3rd Edition 2013. The assessment refers to the National Character Area, Area 61 – Shropshire, Cheshire and Staffordshire Plain/Cheshire Sandstone Ridge. The assessment also refers to the Cheshire Landscape Character Assessment, although it identifies this as being at the local, rather than county level. The Cheshire Landscape Character Assessment 2009 identifies the application as being located within Type LCT 13: River Valleys , specifically LAC R5 Upper Dane Valley Character Area; the application area exhibits many of the characteristics of this landscape type.

The assessment also refers to the Congleton Landscape Character Assessment 1999. The Congleton Landscape Character Assessment identifies this is an area that is generally flat/gently undulating reiver valley, with steep wooded slopes and is, mainly pasture with some arable farming with a meandering watercourse lined with mature vegetation

Given the character of this area will change significantly in the near future and as such the landscape impact will change accordingly.

The Councils Landscape Architect advises that the structural landscape parameters contained within the indicative layout has been significantly amended through the application process. It is therefore considered the landscape impact is acceptable at this outline stage

Trees

An Arboricultural Impact Assessment has been submitted. The site contains 35 individual trees, 17 tree groups. 11 hedgerows and 4 woodlands. The proposal will result in the loss of 2 low grade trees.

The National Planning Policy Framework states at section 175 c) that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.

BS5837 recommends no construction works, including the installation of new hard surfacing using 'tree-friendly' techniques, occur within the RPA. Particular care should be taken in the design to accommodate veteran trees in a setting that aids their long-term retention. There are two veteran trees on the site, nos. 58 & 74. These trees have been highlighted throughout the design process and are to be retained without impact on the veteran tree buffer zone.

Hedgerows

Policy NR 3 of the CBC Local Plan refers to Important Hedgerows. Where proposed development is likely to result in the loss of existing agricultural hedgerows which are more than 30 years old, it is considered that they should be assessed against the criteria in the Hedgerow Regulations 1997 in order to ascertain if they qualify as 'Important'. Should any hedgerows be found to be 'Important' under any of the criteria in the Regulations, this would be a significant material consideration in the determination of the application. Hedgerows are also a habitat subject of a Biodiversity Action Plan.

Native hedgerows are a priority habitat and hence a material consideration. The ES does not anticipate that any hedgerows would be lost as a result of the proposed development. There is a hedgerow located in the centre of the site, however this may potentially be lost and re-instated as part of the Congleton Link Road scheme.

The reserved matters landscaping must ensure that any hedgerows unavoidably lost because of the proposed development are adequately compensated for at the reserved matters stage. This can be a condition.

Flood Risk and Drainage

As the application site exceeds 1 hectare, a Flood Risk Assessment (FRA) has been submitted as part of this application. The site is mainly in Zone 1 with a corridor adjacent to the River Dane being in Zone 2 (Medium Probability) and Zone 3 (High Probability).

The submitted FRA identifies that there is no risk from river/fluviat flooding, the flooding maps and from historical flooding. However, there is a high risk of groundwater flooding in low lying parts of the site, a low risk from surface water flooding and a risk from blockages along the water ditch on site and infrastructure failure.

An 8m easement to the River Dane was recommended initially within the FRA. The Environment Agency (EA) raised objection to the recommended 8m easement put forward. The EA confirmed that they required a minimum easement of 50m from the River Dane.

As a result of this objection the Applicant has redesigned the layout to accommodate a 50m buffer from development to the River Dane. A condition can be imposed to require this buffer.

A Hydrogeological Impact Statement was also provided by the Applicant to address the potential for changes to the water table and the de-watering concerns expressed by the neighbouring fishing club and others. The adjacent fishing club, whilst wishing to maintain their position in respect of the future reserved matters, has accepted the information provided in that Assessment.

The Councils Drainage Section has considered the Hydrogeological Impact Assessment paying regard to the concerns expressed by neighbours, confirms that subject to condition, the area will not be subject to de-watering and that this issue can be addressed via planning condition.

The submitted FRA identifies Sustainable Urban Drainage Systems (SUDS) can be used on this site to manage storm water and run-off both to the application site and to surrounding properties.

The Flood Risk Manager (as Lead Local Flood Authority) advises that the proposal, as revised to include the 50m easement to the River Dane as required by the Environment Agency, is acceptable subject to drainage conditions.

Amenity

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

Congleton has three Air Quality Management Areas, and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact.

An Air Quality Assessment has been submitted. The assessment concludes that the impact of the future development on the chosen receptors will be *not significant* with regards to NO₂, PM₁₀ and PM_{2.5} concentrations. None of the receptors are predicted to experience greater than a 1% increase relative to the AQAL. A sensitivity analysis has also been undertaken which makes the assumption that real world driving emissions will not reduce as much as predicted over the

coming years. This can be taken as a “worst case scenario” assessment and the results of this also show that the impacts on the receptors are predicted to be *not significant*, although one receptor in the West Road AQMA is predicted to see a slightly adverse impact on the levels of NO₂ once the development is completed in 2035.

In terms of air quality, the Environmental Health Officer has requested conditions regarding electric vehicle infrastructure for the residential and commercial uses, low emission boilers.

The Environmental Health Officer also requests an environmental management plan and dust management for amenity reasons and numerous contaminated land conditions across the site.

Subject to conditions the proposal is considered to safeguard the amenity of the area and living conditions of future residents

Amenity/privacy of existing and future residents

For housing proposals, Saved Policy GR6 of the Congleton Local Plan requires consideration to be given to the occupiers of both neighbouring properties and the future occupants of the site with regards to privacy, loss of light, visual intrusion and pollution. Supplementary guidance in the Congleton Local Plan also indicates that a minimum distance of 13.8m from main room windows to a gable elevation should be achieved. The policy also requires 21.5m between principal elevations.

This matter will be fully assessed at reserved matters stage, however, given the scale of the residential zone as proposed, a development of up to 175 residential units is considered achievable.

Design

This is an outline application with access applied for at this stage. Land levels vary significantly across the site and within the context of adjacent sites and the site adjacent at Radnor Park.

The application is supported by a design and access statement, a design code and testing layouts for the whole site have been provided, (albeit in sections) and a parameters/regulating plan has been provided.

During the extensive negotiations at application stage, there was a need to ensure that the parameters set out in the application addressed the various issues on the site particularly building heights of the commercial warehouses in the landscape having regard for the changes in topography in the area, and that the applicants had adequately demonstrated, in indicative form, that the distribution of uses could be accommodated on the site successfully.

The parameters plan has been extensively amended during the lifetime of the application. The Urban Designer has undertaken a Building for Life (BfL) 12 assessment based on the revised scheme and gave 11 greens, 2 ambers and no reds to the parameters plan/indicative building heights and sections

Whilst the submitted documents only gives an indication of what could be accommodated on site, and the testing layouts would not be approved, it is considered that it does give sufficient

comfort that the broad housing numbers, together with the areas of open space green links and other infrastructure can broadly be accommodated on the site. Only at the reserved matters stage(s) would the exact numbers be known. The parameters plan however would be approved which will set the basic requirements for the site including set off distances to boundaries and widths of greenways. .

This site is on the rural/urban fringe and is adjacent to numerous extensive mixed use development sites associated with the expansion of the Business Park and the delivery of/ extensive funding toward the Link road which will result in over 1000 houses being added in the wider area, together with hectares of commercial development.

This will be an urbanising development however, the transition of the site to the rural edge, where it remains rural, forms part of the Design Coding that, at a macro level, seeks to ensure significant amounts of green infrastructure remains within the site.

ECOLOGY

Congleton saved Local Plan Policy NE. 3 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- Facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum

An addendum to the Environmental Statement (ES) have been provided. The Council's ecologist has considered the evidence submitted and advises:

Statutory Designated Sites

Natural England have raised no objection in respect of the potential impacts of the proposed development upon statutory designated sites.

Non-statutory Local Wildlife Sites (LWS)

All of the local Wildlife Sites recorded in the vicinity of the proposed development are evaluated by the ES as being of Local importance. The Council's ecologist considers these receptors to be of County importance.

Field at Hulme Walfield LWS

This Local Wildlife Site is located in close proximity to the northern boundary of the application site. Cheshire Wildlife Trust have raised a concern in respect of potential hydrological impacts on this LWS arising because of the proposed development.

An assessment has been submitted which identifies a ditch located on the boundary between the application site and the Local Wildlife Site and considers the topography of the application site. The assessment concludes that the proposed development is unlikely to result in a

hydrological impact upon the Local Wildlife Site. The Council's flood risk manager concurs. This Local Wildlife Site is not reasonably likely to be affected by the proposed development.

River Dane (Radnor Bridge to Congleton Local Wildlife Site (LWS))

This LWS is located on the western boundary of this site. The Local Plan site specific policy for this allocated site makes reference to the presence of this LWS.

To ensure that the LWS is safeguarded it must be ensured that there is no encroachment in to the LWS and also that a suitable undeveloped buffer is provided. An acceptable buffer is shown on the submitted parameters plan. Subject to the development occurring in accordance with the parameters set, there will be no adverse impact

A further block of priority woodland is also present adjacent to the site's northern boundary. An acceptable buffer between this and the built form of the development is shown on the submitted parameters plan.

Proposed Outfall to River Dane

The addendum ES notes the requirement to provide a surface water outfall to the River Dane (SSSI). The location of the outfall is not confirmed at the outline stage, but a likely location has been identified. The addendum ES advise that there would be no tree loss associated with the outfall or any impacts on the watercourse. An illustrative design for the outfall has been provided.

The construction of the outfall has the potential to have an adverse impact upon both water voles and otter.

Evidence of otter activity was recorded during a recent survey of the likely location of the surface water outfall, but no suitable sites for use for shelter and protection of this species were recorded. The construction of the outfall is therefore not likely to result in an offence under the Habitat Regulations in respect of Otter.

No evidence of water vole was recorded during the survey and the habitats assessed were of low suitability for water voles. Considering the small scale of the proposed outfall it is advised that based upon the currently available information water voles are not reasonable likely to be affected by the proposed outfall.

HWSB Neighbourhood Plan policy ENV1 protects identified wildlife corridors and habitats of high distinctiveness. The River Dane LWS is identified by the neighbourhood plan as an area of High Distinctiveness. A network of wildlife corridors is also identified through this application site.

The Neighbourhood plan also identifies a Wildlife Corridor on the site boundary to the north of the existing Airbags Site. It must be ensured that the River Dane LWS is adequately retained and buffered as part of the development. The reserved matters will need to address this issue

Warburton's Wood Local Wildlife Site, Forge Woods Local Wildlife Site and Hulme Walfield Sand Quarry Local Wildlife site

These three Local Wildlife Sites are located some distance from the application site and so would not be directly affected by the development. The submitted ES does however identify a 'Minor Adverse' impact arising from noise and pollution arising during the construction phase and a minor adverse effect because of increased recreational pressure during the operational/residential phase of the proposed development.

The ES anticipates that the proposed development would have a minor adverse impact upon retained habitats because of increased human presence. Construction management would mitigate the impact.

Hedgerows

Native hedgerows are a priority habitat and hence a material consideration. The ES does not anticipate that any hedgerows would be lost as a result of the proposed development. There is a hedgerow located in the centre of the site, however this may potentially be lost and re-instated as part of the Congleton Link Road scheme.

If outline consent is granted it must be ensured that any hedgerows unavoidably lost as a result of the proposed development is adequately compensated for at the reserved matters stage. This matter may be a condition.

Badgers

The proposed development will result in the loss of badger foraging habitat. Badger activity on site appears to be low so this impact is also likely to be correspondingly low.

As the status of badgers can change a condition would be required to ensure that any future reserved matters application is supported by an updated badger survey and impact assessment.

Great Crested Newts

No evidence of great crested newts was recorded during the surveys undertaken to inform the ES. This protected species is unlikely to be affected by the proposed development.

Common Toad

This priority species was recorded during the amphibian surveys undertaken to inform the ES. The ES identified a minor adverse impact on amphibian species as a result of the loss and disturbance of terrestrial habitats.

The ecologist required revisions to the scheme in the form of a new wildlife ponds. This pond should not form part of the sites SUDS.

The illustrative layout has been amended to include the required pond and its delivery can be secured through the ecological enhancement conditions required.

Bats

The bat surveys undertaken in support of this application recorded a moderate level of bat activity on site. As would be expected the main areas of higher bat activity were associated with the river corridor and Westlow Mere.

The ES advises that the proposed development would result in a minor adverse impact upon foraging bats as a result of the loss of low-quality habitats. This impact is however likely to be at least partly compensated for through the habitat creation proposed adjacent to the river Dane.

The bat report also refers to a bat roost recorded of site during surveys undertaken in 2019. This roost is however located off site and is unlikely to be significantly affected by the proposed development.

The ES identifies a potential impact of construction phase lighting on foraging bats. Construction phase lighting can be controlled through the submission and implementation of construction management / environmental management scheme.

Six trees were identified on site that have potential to support roosting bats. The ES states that all these trees would be retained under the illustrative layout. A condition is required to ensure that these trees are retained at the detailed design stage.

Biodiversity net gain

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. The applicant has submitted an assessment of the losses and gains resulting from the development using the Defra biodiversity offsetting 'metric' methodology.

Two versions of the metric have been produced. One version considers only that land within the red line of the application, whilst the second includes an additional area of land outside the red line of the application which appears on the revised illustrative layout plan as "additional non-intervention ecology area".

Both scenarios show a net gain for biodiversity. Limiting habitat creation to the red line of the application shows a net gain of only 1.74%. Whilst this is an overall gain only a slight variation in the biodiversity metric calculations could result in the scheme resulting in a net loss of biodiversity. The ecologist considers this to be inadequate.

The inclusion of the additional land within the blue line of the application under the control of the applicant and identified within the revised Parameters Plan as being for biodiversity net gain purposes increases the net gain to 9.59%. There is therefore significant benefit in securing the additional land for Biodiversity Net Gain purposes.

It is anticipated that the once enacted the Environment Bill will require all development to deliver a 10% net gain. The additional land is therefore required to ensure that the development delivers a more robust net gain and is closer to meeting this net gain threshold that is likely to be introduced by the Environment Act. It is important that the phasing of the biodiversity net gain happens early. This will be a condition.

Assessment of Cheshire Wildlife Trust objection

The Principal Ecologist considers that subject to numerous conditions as discussed above that the proposals will comply with adopted planning policy for the protection of flora / fauna / wildlife on this site. Whilst the objections of the Wildlife Trust are noted, it is considered that the objections are addressed by the planning conditions specifically aimed at the protection and enhancement of the ecology of this site.

On this basis, it is not considered that the objections from the Wildlife Trust can be sustained as reasons to refuse this application

Archaeology

The Council's Archaeologist has considered the application and supporting report and considers that, subject to a standard archaeology condition, that the issue of archaeology needs no further assessment.

SOCIAL SUSTAINABILITY

Public Open Space / Greenway

The indicative layout shows that an area of Public Open Space (POS) and a Neighbourhood Equipped Area of Play (NEAP) would be provided to the residential area

In terms of children's play space, the Public Open Space Officer has also advised that the provision of the NEAP is adequate to cater for the future circumstances of this site. The NEAP should have a minimum activity zone of 100sq m for play equipment and structures and have at least 500 sq m amenity green space; Minimum 12 pieces of play equipment and including 2 combination multi-play units; Provision for seating along the Greenway should also be provided and within the developments public realm and SUD's areas as appropriate.

The Greenspace officer also advises that proposals for the Greenway should provide for public art/tree sculptures plus art at focal points. Wayfinders should be provided throughout the site and information and interpretation boards should be provided, a planning condition is suggested.

The open space/Greenway on site would be managed by a management company and this would be secured as part of a S106 Agreement.

Affordable Housing

The Affordable Housing Officer accepts that this site is required to fund the delivery of the Congleton Link Road by virtue of Policy LPS27 and that the independent assessment of the viability of the sites in the allocation, including this site, as contained within the Delivery Strategy for the Congleton Link Road (CLR) demonstrates that a policy compliant quantum and tenure mix of affordable housing cannot be achieved as well as the contribution to the Link Road in this case.

As such the proposed Affordable Housing contribution of 17.5% of the total residential dwellings on the site is acceptable the Housing Manager.

Additionally, the Affordable Housing Officer agrees that of the 17.5% Affordable Dwellings are to be Intermediate Housing (at 80% OMV). These will be low cost home ownership dwellings and will enable those who cannot afford the open market prices to step onto the home ownership ladder.

The Affordable Housing Officer requires an Overage/Clawback clause to be agreed. This is to cover any uplift in value on the development during its completion and any connected raise in commuted sum amounts or increased on site provision for Affordable Housing.

Policy LPS27 of the CELPS refers to the delivery of around 625 houses across the entire allocation. This site comprises approximate 25% of the entire allocation. It therefore follows that this site could cater for 170-220 units, depending upon detailed design and mix. The Applicant has advised that they seek permission for up to 175 units in this case.

Education

The numbers and size of residential units will not be known until reserved matters.

As a general guide the Education Manager has assessed this using a formula-based approach .

The development is expected to impact on secondary school places in the locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at secondary schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of secondary school places still remains. The development is not expected to impact on primary provision.

Special Education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. The Service acknowledges that this is an existing concern; however, the 2 children expected from the Land off Viking Way, Congleton application will exacerbate the shortfall.

Given the outline nature of the application and the fact that the Applicant has confirmed that the revised scheme seeks up to 175 dwellings, the education mitigation requirement is not known and the formula-based approach is considered more appropriate in this case.

The formula will then cater for all the education mitigation requirements based on the true numbers and size of units. The proposal will mitigate for its education impact on this basis

Health

The South Cheshire Clinical Commissioning Group (CCG) have sought a S106 Contribution and advise that local medical centres are operating close to capacity and therefore to accommodate the future residents put forward, both Practises in Congleton will need to be developed to support their ability to provide the expected level of primary care facilities in the area.

The mitigation requested in the previous proposals by the CCG is based on the following formula

Size of Unit	Occupancy Assumptions Based on Size of Unit	Health Need/Sum Requested per unit
1 bed unit	1.4 persons	£504 per 1 bed unit
2 bed unit	2.0 persons	£720 per 2 bed unit
3 bed unit	2.8 persons	£1,008 per 3 bed unit
4 bed unit	3.5 persons	£1,260 per 4 bed unit
5 bed unit	4.8 persons	£1,728 per 5 bed unit

The CCG has confirmed this is now requested to fund expansion of the surgeries in Congleton that are close to capacity.

Jodrell Bank

No comment has been received from Jodrell Bank in connection with this application.

In keeping with other developments associated with North Congleton allocations associated with the Link Road, appropriate building insulation will be required by condition.

PLANNING BALANCE AND CONCLUSION

Paragraph 11 of the NPPF advises that planning decisions should apply the presumption in favour of sustainable development, and this means that proposals that comply with an up to date development plan should be approved without delay.

In this case, the development is an allocated site and part of a planned release of development in accordance with adopted CELPS policy LPS27 and would provide for employment and residential development

Subject to a Section 106 package and appropriate conditions, the proposed development would include the requirement for the future maintenance of the open space on site.

The proposal, subject to conditions, is considered acceptable in terms of its impact upon residential amenity, drainage, flooding /, design, ecology, trees and hedgerows.

The site was fully assessed when allocated as a Local Plan Strategy site and considered locationally sustainable to a range of services and facilities.

Whilst in the main the social impacts to education and health are neutral, the negative impacts relate to the inability of the site to deliver the full 30% affordable housing, when it delivers 17.5% affordable units, however, on balance it is considered that the benefits to the economic and environmental conditions of this area by virtue of the significant contribution this proposal makes to the by-pass, together with the additional environmental and economic benefits from the employment generated by the retail and commercial uses, outweigh that harm.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The education contribution is necessary having regard to the oversubscription of local secondary schools and special education need provision given the demand that this proposal would add to the local provision. This is considered to be necessary, fair and reasonable in relation to the development.

The Health contribution is necessary having regard to the existing patient rolls within the Congleton and the need for the expansion of existing surgeries to meet the needs of additional population. This is considered to be necessary, fair and reasonable in relation to the development

The highways contribution and dedication of land is necessary to mitigate for the impact of the development on the local highway network and in that regard is fair and reasonable.

The contributions to sport and recreation are necessary to meet the recreation needs of the additional population

The above requirements are considered to be necessary, fair and reasonable in relation to the development. The S106 recommendation is compliant with the CIL Regulations 2010.

On this basis, the S106 recommendation is compliant with the CIL Regulations 2010.

RECOMMENDATION

Approve subject to the following Heads of Terms

S106	AMOUNT/REQUIREMENT	TRIGGER
Link Road contribution	£15,000 per dwelling. Minimum of £2million regardless of numbers of dwellings	<ul style="list-style-type: none"> •£900,000 before 1st residential occupation •£900,000 upon occupation of 80th dwelling •Balance of monies of all dwellings/remainder of £2 million paid upon occupation of 70% of dwellings
Toucan	£95,000	Prior to any occupation of the development
New bus service	£150,000	Upon occupation of 50 th dwelling
Greenway and Dane Cycle and Pedestrian Bridge /cycling improvements	£260,000	Prior to any occupation of any dwelling on site

Greenway and Dane Cycle and Pedestrian Bridge /cycling improvements	£100,000	Prior to occupation of any development on the west side of Viking Way
Western Greenway Land	<p>Transfer to the Council, any transfer to the Council will be free from incumbrances (other than as set out below) but for the avoidance of doubt the transfer shall:</p> <ul style="list-style-type: none"> i. be a transfer of the entire freehold interest of land as shown on BRJ10407-H-SK-410 ii. be free from any pre-emption or option agreement iii. be free from any mortgage, charge, lien or other such incumbrance iv. include all usual and necessary rights of way with or without vehicles v. be subject to rights of access to the public vi. reserve any usual and necessary rights to use existing services and to lay and use new services together with any rights of entry to inspect, repair, renew, cleanse and maintain the same viii. not require consideration in excess of one pound (£1) 	No more than 10% of the dwellings
Easement to be provided	<p>Easement over the land shown on BRJ10407-H-SK-411 to allow access to the Western Greenway Land. Any Easement to the Council will be free from incumbrances (other than as set out below) but for the avoidance of doubt the transfer shall:</p> <ul style="list-style-type: none"> i. be free from any pre-emption or option agreement ii. be free from any mortgage, charge, lien or other such incumbrance iii. include all usual and necessary rights of way with or without vehicles to allow the construction of the Western Greenway and River Dane Bridge crossing. iv. not require consideration in 	No more than 10% of the Dwellings

	excess of one pound (£1)	
Affordable Housing	17.5% at 80% Open Market Value with overage/claw back clause	<ul style="list-style-type: none"> • Not more than 50% (80% if there is a high degree of pepper potting through the site) of the open market dwellings shall be occupied until all of the affordable housing units have been completed and the affordable housing scheme made ready for immediate occupation and use.
Education	Secondary and SEN education formula	<ul style="list-style-type: none"> • 25% of the contribution to be paid prior to first occupation of any dwelling. • 30% of the contribution to be paid prior to occupation of 33% percentile of the dwellings • Remaining balance of the contribution to be paid prior to occupation of the 66% percentile of dwellings
NHS contribution	<p>NHS formula</p> <p>1 bed unit 1.4 persons £504 per 1 bed unit</p> <ul style="list-style-type: none"> • 2 bed unit 2.0 persons £720 per 2 bed unit • 3 bed unit 2.8 persons £1,008 per 3 bed unit • 4 bed unit 3.5 persons £1,260 per 4 bed unit • 5 bed unit 4.8 persons £1,728 per 5 bed unit 	<ul style="list-style-type: none"> • 33% of the contribution to be paid prior to first occupation any dwelling • 33% of the contribution to be paid prior to first occupation of the 50% percentile dwelling • Remaining balance of the contribution to be paid prior to occupation of 75% percentile dwelling
Outdoor Sport contribution	<p>Outdoor Sports formula is to be written into the s106</p> <p>The formula is:</p> <p>Residential:</p> <ul style="list-style-type: none"> • £1,000 per 2+bed family dwelling • £500 per 2+ bed (or more) Apartment <p>Commercial (over 1,000 sqm):</p> <p>Use Class A1 Shops Food retail: 1 space/£300 per 14 m2</p> <p>Non-food retail: 1 space/£300 per 20 m2</p>	<p>Residential</p> <ul style="list-style-type: none"> • 33% to be paid prior to first occupation of the residential development • 33% to be paid prior to first occupation of 50% percentile dwelling • Remaining balance of the contribution to be paid prior to occupation of 75% percentile dwelling • The contribution will be paid in full prior to the first occupation of the relevant commercial use for that phase.

	<p>Use Class A3 Food and drink Restaurants: 1 space/£100 per 5 m² Fast food/Drive through 1 space £100/per 7.5 m²</p> <p>Use Class BI Business B1 including offices: 1 space/£300 per 30 m² Business parks: 1 space/£300 per 35 m²</p> <p>Use Classes B2 and B8 General industry and Storage and distribution 1 space/£300 per 45 m²</p> <p>Use Class C1 Hotels 1 space/£300 per bedroom</p>	
Indoor Sport & Recreation	<p>Formula - Population increase x participation rate = additional "active population" due to the new development Active population / 25 x £6,500 (one fitness station)</p>	<ul style="list-style-type: none"> •33% of the contribution to be paid prior to first occupation of any dwelling •33% of the contribution to be paid prior to first occupation of 50% percentile dwelling •Remaining balance of the contribution to be paid prior to occupation of 75% percentile dwelling
Open Space Management scheme	Management scheme for NEAP and all POS/incidental open space throughout management site	<ul style="list-style-type: none"> •No more than 75% of the residential development to be occupied until the open space has been provided or such other higher percentage as may be proposed by the Owner and agreed by the Council having regard to the construction programme and health and safety only. •Not to allow or permit occupation of the residential development until the Management Plan has been submitted and approved by the Council. • The NEAP will be delivered in full prior to first occupation of 50% of the residential development.
Residential Greenway Link	To be offered up via a S38 agreement for the Council for future maintenance. Any soft landscaping provided in the approved proposals will be required to be maintained by the Open Space Management Company	Prior to 1 st residential occupation
Travel Plan	£6000	Prior to occupation of 1 st dwelling

Monitoring payment		
Allotments	Formula - £563.50 for each residential unit for every residential phase or sub phase	<ul style="list-style-type: none"> •33% of the contribution to be paid prior to first occupation of any dwelling •33% of the contribution to be paid prior to first occupation of 50% percentile dwelling •Remaining balance of the contribution to be paid prior to occupation of 75% percentile dwelling
Signage for pedestrians and cyclists	Scheme of signage for pedestrians and cyclists within the red line boundary and off-site shall be included within the s278 agreement	Prior to any development on site

And the following conditions

1. **Standard Outline**
2. **Submission of reserved matters**
3. **Plans**
4. **Residential travel plan inc residents information pack**
5. **Development to comply with Coding within Chapter 6 of the revised Design and Access Statement and the Regulating Plan (p39 rev Design and access statement)**
6. **Phasing plan covering entire site to be provided with 1st reserved matters application. The phasing plan shall secure the delivery of habitat creation/ecological mitigation throughout the River Dane corridor upon implementation of the 1st reserved matters scheme within the site.**
7. **Prior to development commencing Biodiversity Net Gain scheme to be provided for area identified Blue hatch on Parameters plan. The scheme shall be completed prior to the completion of the 1st reserved matters scheme anywhere on site. Each RM's to be supported by habitat creation/30yr habitat management plan for all created areas within that phase informed by submitted biodiversity metric**
8. **Updated otter and water vole surveys**
9. **Any reserved matter application to be supported by updated badger survey/impact assessment and mitigation**
10. **Each reserved matters application to include proposals for the creation of compensatory hedgerow planting to address any hedgerows unavoidably lost.**
11. **Each phase of development to have bat friendly/ecologically sensitive lighting**
12. **Detailed design of surface water outfall to river Dane to be submitted with Reserved Matters (relevant phase)**
13. **Submission of habitat creation, management and monitoring proposals (for a period of 30 years) with each reserved matters application informed by submitted biodiversity metric**
14. **50 m buffer to River Dane**
15. **Drainage strategy/surface water run off**
16. **Groundwater monitoring scheme/westlow mere**
17. **Compliance with AIA/trees identified as bat roost potential in ES to be retained**
18. **Tree/Hedge protection for each phase**

- 19 Programme of archaeological work
- 20 Scheme of signage for pedestrians and cyclists within the red line boundary
- 21 A scheme for the provision of Street lighting (To cover as a minimum from the end of the existing lighting installed on Barn Road to cover up to the new residential development access)
- 22 A scheme for the provision of a right-turn lane facility shall be submitted as part of the Reserved Matters application for the proposed superstore parcel of the site.
- 23 Full details inc Street Lighting of the proposed Greenway Link as shown on the illustrative residential parcel masterplan.
- 24 The proposed residential Greenway Link will be built to adopted highway standards (including any structural retaining walls / earthworks that may be required) shall be provided prior to the occupation of the 50th dwelling
- 25 Prior to the occupation of any of the residential properties a Scheme for the provision of a Bus Layby and bus shelter on the northbound side of Barn Road as detailed in the Illustrative Layout shall be submitted for approval. This layby shall be delivered prior to the Occupation of 50 dwellings.
26. Prior to the occupation of any of the residential properties a Scheme for the provision of a 'on carriageway' Bus Waiting facility on the southbound side of Barn Road, including raised kerbs, road markings and bus shelter shall be submitted for approval. This Bus Stop facility shall be delivered prior to the Occupation of 50 dwellings.
27. Prior to any development on the West side of the Barn Road development a Scheme shall be submitted for approval for the provision of a minimum 2.0m wide footpath adjacent to Barn Road (limited to within the extents of the development) and this implemented prior to any occupation.
- 28 Noise Impact Assessment tbs with reserved matters to achieve DbA at residential properties
- 29 A scheme of odour abatement / control / mitigation shall be submitted for each phase of commercial development
- 30 Electric Vehicle Infrastructure – for all land uses proposed
- 31 Ultra Low Emission Boilers
- 32 Construction and Environment Management Plan for each phase
- 33 Material Management Plan
- 34 Contamination each phase - Residential
- 35 Contamination commercial each phase
- 36 Soil importation – whole site
- 37 Verification Report for each phase approved prior to occupation of that phase
- 38 Unforeseen contamination – whole site
- 39 Existing/proposed/FFL Levels for each phase
- 40 Superfast broadband provision
- 41 Scheme for the incorporation of electromagnetic screening measures(Protection of Jodrell Bank telescope)
- 42 Removal pd for extensions - Class E uses only (Part 7 GPDO) /no mezzanine floors to be developed for discount foodstore/parade of 3 shops and café unit
- 43 Discount food store – limit to 1,900 sq m gross (GIA). To comprise 1,300 sq m net floorspace of which 80% (1,040sq m net) would be for convenience retail floorspace and 20% (260sq m net) would be for comparison goods floorspace.

- 44 The café unit hereby permitted shall not exceed 303 sqm (GIA) and shall be used for use class E(b) the sale of food and drink for consumption (mostly) on the premises
- 45 The 3 no small retail units shall not be operated for a use that falls within Use Class E(a) and E(g) of the Use Classes Order (as amended) and shall have cumulative floor area no larger than 488sq m gross (maximum) in total. The 3 units shall be separate from each other and not amalgamated into
- 46 EMPLOYMENT AREA - limited to Use Class E(g)(i) (Offices), E(g)(ii) (Research and Development) and E(g)(iii) (Industrial Processes), B2 (general industry), B8 (storage or distribution)
- 47 site waste management to be provided prior to any commercial floor space being occupied
- 48 Commercial development – non centralised low carbon energy
- 49 Max residential = 175 units
- 50 Scheme of public art to greenway
- 51 Bat sensitive lighting
- 52 Ecological enhancement (bat and bird boxes) to be submitted with each reserved matters
- 53 Landscape/public realm/habitat management plans should be for a minimum period of 25 years
- 54 Construction and Management Plan dealing with noise/pollution impacts upon adjacent wildlife site

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

